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A

DIGEST OF STATUTES

RELATING TO

MERCHANT SHIPPING.

PREPARED UNDER THE DIRECTION

OF

THE BOARD OF TRADE.

Presented to both Houses of Parliament by Command of Her Majesty.

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ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title of Act.
2. Interpretation of certain terms in this Act.
3. Commencement of Act.
4. Exemption of Her Majesty's ships.
5. Division of Act.

PART I.

THE BOARD OF TRADE: ITS GENERAL FUNCTIONS.

6. Board of Trade to be department to superintend merchant shipping.
6*a*. Title of Board of Trade.
7. Certificates and documents purporting to be sealed or signed in a given manner to be received in evidence.
8. Board of Trade to issue forms of instruments.
9. Certain forms and instruments to be exempt from stamp duty.
10. Penalties for forgery of seal and fraudulent alteration of forms, and for not using forms issued by Board of Trade.
11. Application of moneys and fines paid to Board of Trade.
12. Returns to Board of Trade.
13. Officers of Board of Trade, naval officers, consuls, the Registrar General of Seamen, officers of customs, and shipping masters, may inspect documents and muster crews.
14. Board of Trade may appoint inspectors.
15. Powers of inspectors. Witnesses to be allowed expenses. Penalty for refusing to give evidence.
15*a*. Section 15 of 17 & 18 Vict. c. 104. extended to Registrar of Court of Admiralty.
16. Penalty for obstructing inspectors in the execution of their duty.

PART II.

BRITISH SHIPS: THEIR OWNERSHIP, MEASUREMENT, AND REGISTRY.

Application.

17. Application of Part II. of Act.

Description and Ownership of British Ships.

18. Description and ownership of British ships.
19. British ships with certain exceptions must be registered.

Measurement of Tonnage.

Clause.
20. Tonnage deck; feet; decimals.

RULE I.

21. For ships to be registered and other ships of which the hold is clear. Lengths. Transverse areas. Computation from areas. Poop and any other closed-in space. In case of two or more decks.

RULE II.

22. For ships not requiring registry with cargo on board. Length. Breadth. Girting of the ship. Poop and other closed-in spaces on upper deck.

22*a*. Ships measured under Rule II. may be measured under Rule I.

RULE III.

23. Allowance for engine room in steamers. To be rateable in ordinary steamers. May be measured where the space is unusually large or small. Mode of measurement. In case of separate compartments. Shaft trunk of screw steamer. Alteration of engine room. Penalty for carrying goods in such space.

RULE IV.

24. Open ships how measured.

25. *Tonnage and number of certificate to be carved on main beam.*

26. Tonnage when once ascertained to be ever after deemed the tonnage.

27. Remeasurement of ships already registered may be made, but not to be compulsory.

28. Power to remeasure engine-rooms improperly extended.

29. Officers may be appointed and regulations made for measurement of ships.

29*a*. Tonnage rates under Local Acts may be levied on the registered tonnage.

29*b*. Ships of foreign countries adopting the rules for measurement of tonnage need not be remeasured in this country.

Registry of British Ships.

30. Registrars of British ships.

30*a*. Registrars of British ships in British possessions.

31. Substitution of governor abroad for Commissioners of Customs, and of Consul for Justice.

32. Registrar to keep register books.

33. Port of registry of British ship.

33*a*. Her Majesty may, by Order in Council, declare certain foreign ports ports of registry.

34. *Name of ship.*

34*a*. Particulars to be marked on British ships.

Clause.
34*b*. Rules to be observed in naming of ships.
34*c*. Rules as to names of foreign ships placed on British register.
35. Application for registry, by whom to be made.
36. Survey of ship.
37. Rules as to entries in register book.
38. Declaration of ownership by individual owner.
39. Declaration of ownership by body corporate.
40. Evidence to be produced on registry.
41. Penalty on builder for false certificate.
42. Particulars of entry in register book.
43. No notice taken of trusts.
43*a*. Equities not excluded by Merchant Shipping Act.
43*b*. As to claims for building, equipping, or repairing of ships.
43*c*. As to claims for necessaries.
43*d*. High Court of Admiralty to decide questions as to ownership, &c. of ships.

Certificate of Registry.

44. Certificate of registry to be granted.
44*a*. Grant of terminable certificates of registry, subject to conditions, in colonies.
44*b*. Ship to be deemed registered.
45. Change of owners to be indorsed on certificate of registry.
46. Change of master to be indorsed on certificate of registry.
47. Power to grant new certificate.
48. Provision in case of loss of certificate.
49. Provisional certificate to be delivered up.
50. Custody of certificate. Delivery of certificate may be required. Penalty for detention.
51. Mode of proceeding, if detaining party abscond.
52. Penalty for using improper certificate.
53. Certificate of ship lost or ceasing to be British to be delivered up.
53*a*. Restrictions on re-registration of abandoned ships.
54. Provisional certificate for ship becoming vested in British owners at foreign port.

Transfers and Transmissions.

55. Transfer of ships or shares therein.
56. Declaration to be made by transferree.
57. Registration of transfer.
58. Transmission of shares by death, bankruptcy, or marriage.
59. Proof of transmission by bankruptcy, marriage, will, or on intestacy.
60. Registration of transmitted share.
61. Registrar to retain certain evidence.

Clause.

62. Unqualified owner entitled by transmission may apply to court for sale of ship.
63. Order to made by court.
64. Limit of time for application.
65. Power of courts to prohibit transfers.
65*a*. Sections 62 to 65 of 17 and 18 Vict. c. 104. extended to Court of Admiralty.
65*b*. Shares in shipping within the Trustee Act, 1850.

Mortgages.

66. Mortgage of ships and shares therein.
67. Mortgages to be registered in order of time of production.
68. Entry of discharage of mortgage.
69. Priority of mortgages.
70. Mortgagee not to be deemed owner.
71. Mortgagee to have power of sale.
72. Rights of mortgagee not affected by any act of bankruptcy of mortgagor.
73. Transfer of mortgages.
74. Transmission of interest of mortgagee by death, bankruptcy, or marriage.
75. Entry of transmitted mortgage.
75*a*. 3 & 4 Vict. c. 65. in regard to mortgages extended to Court of Admiralty.

Certificates of Mortgage and Sale.

76. Powers of mortgage and sale may be conferred by certificate.
77. Requisites for certificates of mortgage and sale.
78. Restrictions on certificates of mortgage and sale.
79. Forms of certificates of mortgage and sale.
80. Rules as to certificates of mortgage.
81. Rules as to certificates of sale.
82. Power of Commissioners of Customs in case of loss of certificate of mortgage or sale.
83. Revocation of certificates of mortgage and sale.

Registry anew, and Transfer of Registry.

84. Alteration in ship to be registered.
85. On alteration registry anew may be required.
86. Grant of provisional certificate in respect of alteration.
87. Consequence of omission to register anew.
88. On change of owners, registry anew may be granted, if required.
89. Registry may be transferred from port to port.
90. Manner of transfer of registry.
90*a*. Delivery of certificate upon transfer of registry.
91. Transfer of registry not to affect rights of owners.

Registry, Miscellaneous.

Clause.
92. Inspection of register books.
93. Indemnity to registrar.
94. Return to be made by registrars to Commissioners of Customs.
95. Application of fees.
96. Commissioners of Customs to provide, and with consent of Board of Trade may alter forms and issue instructions.
96*a*. Forms of instruments.
97. Power to registrar to dispense with declarations and other evidence.
98. Power for Commissioners or governor in special cases to grant a pass to a ship not registered.
99. Provision for cases of infancy or other incapacity.
100. Liabilities of owners.

Forgery.

101. Punishment for forgery.

National Character.

102. National character of ship to be declared before clearance.
103. Penalties: (1.) For unduly assuming a British character. (2.) For concealment of British or assumption of foreign character. (3.) For acquiring ownership if unqualified. (4.) For false declaration of ownership.
103*a*. False declaration of ownership made a misdemeanour.
104. Officer not liable for any seizure made on reasonable grounds.
105. Penalty for carrying improper colours.
106. Effect of declaration in the Act that a ship shall not be recognised as a British ship.

Evidence.

107. Copies of registers and declarations to be admissible in evidence and to be primâ facie proof of certain things.
107*a*. General register books in London.

Saving Clause.

108. Saving of 3 & 4 Vict. c. 56. relating to East Indian ships.

PART III.

MASTERS AND SEAMEN.

Application.

109. Application of Part III. of Act. Returns for certain ships belonging to the United Kingdom. Returns and wages of deceased seamen in certain colonial ships. Shipping and discharging men in the United Kingdom. Volunteering into the navy. Provisions applicable to colonial ships. As to whole of Part III. of Act.

Clause.
109*a*. Third part of Act to apply to fishing boats, lighthouse vessels, and pleasure yachts, with certain exceptions.

Local Marine Boards.

110. Constitution of local marine boards.
110*a*. Continuation of local marine boards.
111. Qualification of voters for members of local marine boards.
112. Lists of such voters to be made.
113. Revision of list of voters.
114. Registers to be produced.
115. Expenses to be paid by Board of Trade.
116. Persons on revised list qualified to vote.
117. Qualification of members of local marine boards.
118. Error in elections not to vitiate acts done.
119. Minutes and business of local marine boards.
119*a*. Local marine board may determine number of quorum.
120. If any local marine board fails to discharge its duties, Board of Trade may assume its duties, or direct a new election.
121. Board of Trade, on complaint, may alter arrangements made by local marine boards.

Shipping Offices.

122. Local marine boards to establish shipping offices.
122*a*. Titles of shipping masters.
123. Board of Trade to have partial control over shipping offices.
124. Business of such offices generally.
125. Fees to be paid upon engagements and discharges.
126. Masters to pay fees, and to deduct part from wages. Proviso as to excess.
127. Penalty on shipping masters taking other remuneration.
127*a*. Punishment for embezzlement in shipping offices.
128. Business of shipping offices may be transacted at custom houses.
129. In London sailors homes may be shipping offices.
130. Dispensation with shipping master's superintendence.
130*a*. Power for Board of Trade to establish mercantile marine offices and to hold examinations at certain ports.

Examinations and Certificates of Masters and Mates.

131. Examinations to be instituted for masters and mates.
131*a*. Examinations of masters and mates at ports where there are no local marine boards.
132. Powers of Board of Trade over examinations.
133. Fees to be paid by applicants for examination.
134. Certificates of competency to be granted to those who pass.

Clause.

135. Certificates of service to be delivered to persons who served as masters or mates before 1851, and to certain naval officers; and certificates of service for home trade passenger ships to be delivered to persons who have served as masters or mates in such ships before 1st January 1854.

136. No foreign-going ship or home trade passenger ship to proceed to sea without certificates of the master and mates.

137. Certificates for foreign-going ships available for home trade passenger ships.

138. The registrar to record grants, cancellations, &c. of certificates. Duplicates and entries to be evidence.

139. In case of loss a copy to be granted.

140. Penalties for false representations; for forging or altering or fraudulently using or lending any certificate.

Examinations and Certificates of Engineers.

140*a*. Steam ships to carry certificated engineers.

140*b*. Examinations for engineers' certificates of competency.

140*c*. Fees to be paid by applicants for examination.

140*d*. Certificates of competency to be granted to those who pass.

140*e*. Engineers certificates of service to be delivered on proof of certain service.

140*f*. Certain provisions of Merchant Shipping Act to apply to engineers certificates.

140*g*. Colonial certificates to master, mates, and engineers.

Apprenticeships to the Sea Service.

141. Shipping masters to assist in binding apprentices, and may receive fees.

142. Indentures of boys bound apprentices to sea service by guardians or overseers to be witnessed by two justices.

143. Indentures of apprenticeship to be exempt from stamp duty, and to be recorded.

144. Rules to govern apprenticeship of paupers in Great Britain and Ireland respectively.

145. Apprentices and their indentures to be brought before shipping master before each voyage in a foreign-going ship.

Engagement of Seamen.

146. Board of Trade may license persons to procure seamen.

147. Penalties: (1.) for supplying seamen without license: (2.) for employing unlicensed persons: (3.) for receiving seamen illegally supplied.

148. Penalty for receiving remuneration from seamen for shipping them.

149. Agreements to be made with seamen, containing certain particulars. Proviso as to forms for colonial ships.

Clause.
149*a*. Agreements with seamen.
149*b*. Agreements with fishermen.
150. For foreign-going ships such agreements, when made in the United Kingdom, except in special cases, to be made before and attested by a shipping master: (3.) To be in duplicate. (4.) Provision for substitutes.
151. Foreign-going ships making short voyages may have running agreements.
152. Engagement and discharge of seamen in the meantime.
153. Duplicates of running agreements, how to be dealt with.
154. Fees to be paid on such running agreements.
155. In home-trade ships agreement to be entered into before a shipping master or other witness.
156. Special agreements for home-trade ships belonging to same owners.
157. Penalty for shipping seamen without agreement duly executed.
158. Changes in crew to be reported.
159. Seamen engaged in the colonies to be shipped before some shipping master or officer of customs.
160. Seamen engaged in foreign ports to be shipped with the sanction and in the presence of the consul.
161. Rules as to production of agreements and certificates of masters and mates of foreign-going ships.
162. Rules as to production of agreements and certificates for home-trade ships.
162*a*. Owner or agent of home-trade ships may enter into time agreements which need not expire half-yearly.
163. Alterations to be void unless attested to have been made with the consent of all parties.
164. Penalty for falsifying agreement.
165. Seamen not to be bound to produce agreement.
166. Copy of agreement to be made accessible to crew.
167. Seamen discharged before voyage to have compensation.

Allotment of Wages.

168. Regulations as to allotment notes.
169. Allotment notes may be sued on summarily by certain persons and under certain conditions.

Discharge and Payment of Wages.

170. Discharge from foreign-going ships to be made before shipping master.
171. Master to deliver account of wages.
172. On discharge, masters to give seamen certificates of discharge, and return certificates of competency or service to mates.
173. Shipping master may decide questions which parties refer to him.

Clause.

174. Master and others to produce ship's papers to shipping masters, and give evidence.

175. Settlement of wages. Release to be signed before and attested by the shipping master. To be discharge; and to be evidence. No other receipt to be a discharge. Voucher to be given to master, and to be evidence.

176. Master to make reports of character.

176*a*. Power for Her Majesty, by Order in Council, to apply certain provisions of Merchant Shipping Acts to foreign ships.

Remittance of Wages and Savings Banks for Seamen.

177. Facilities may be given for remitting seamen's wages.

178. Power to pay when order is lost.

179. Penalty for issuing money orders with fraudulent intent.

180. Savings banks for seamen may be established.

180*a*. Enactment concerning savings banks extended to seamen in the Navy.

180*b*. Power to Board of Trade to establish savings banks for seamen.

180*c*. Power to constitute shipping offices branch savings banks.

180*d*. Commissioners for Reduction of National Debt to receive deposits and pay interest.

180*e*. Board of Trade to make regulations for conduct of savings banks.

180*f*. Application of deposits of deceased depositor.

180*g*. Punishment for forgery or for making false representations in order to obtain deposits or interest.

180*h*. Expenses of Act how to be defrayed.

180*i*. Accounts and copy of regulations to be laid before Parliament.

180*j*. Mode of criminal proceedings.

Merchant Seamen's Fund.

180*k*. Board of Trade to superintend the business of winding-up the fund.

180*l*. Corporation and trustees nominated under provisions of 20 Geo. 2. c. 38. and 4 & 5 Will. 4. c. 52. to continue so long as necessary for carrying this Act into effect. No trustees to be appointed where there have hitherto not been any.

180*m* In certain cases the Board of Trade may suspend the functions of the president and governors or trustees.

180*n*. Their functions in that case may be undertaken by Board of Trade, or committed to local marine board.

180*o*. Shipping masters appointed under the Mercantile Marine Act 13 & 14 Vict. c. 93. ss. 35, 42, 43, to act as receivers.

180*p*. Persons now employed in distributing relief, &c. may be continued, with power to Board of Trade to regulate remuneration and to dismiss them.

180*q*. No new officer to be appointed without sanction of the Board of Trade.

Clause.
180*r*. Board of Trade may require security from all officers employed.
180*s*. Salaries, &c. to be approved by Treasury.
180*t*. Salaries, &c. to be paid out of general fund.

Sources and Collection of Fund.

180*u*. One general fund to be formed.
180*v*. President and governors and trustees to apply property belonging to fund as Board of Trade directs.
180*w*. Property held upon special trusts to be retained or transferred to new trustees, as the case may require.
180*x*. Provision for facilitating arrangements.
180*y*. President and governors and trustees to give accounts, and deliver documents; and are to exist for the purpose of conveyance.
180*z*. Payments, &c. to be valid, but not to operate as release from breach of trust.
180*aa*. No compulsory contributions in future.
180*bb*. No one who has not contributed to be allowed to contribute.
180*cc*. Those who have contributed to be allowed to continue.
180*dd*. Time of commencement of new system of contributions.
180*ee*. Rate and mode of voluntary contribution for men discharged before a shipping master according to 13 & 14 Vict. c. 93. s. 96.
180*ff*. Rate and mode of voluntary contribution for men not discharged before a shipping master.
180*gg*. Provision for the case of men entering the navy.

Objects of Relief.

180*hh*. Time of commencement of new system of pensions.
180*ii*. Until then pensions may be granted as heretofore. Aggregate pensions at each port not to exceed those of preceding years.
180*jj*. Present pensions not to be diminished.
180*kk*. No seamen to earn pensions unless they contribute for five years.
180*ll*. Failure to contribute for three years to be an abandonment of right to relief.
180*mm*. Persons who are to be entitled to pensions.
180*nn*. Pensions to be on one uniform scale according to average rate of present pensions.
180*oo*. Masters pensions to be twice the rate of seamen's pensions.
180*pp*. Board of Trade may commute pensions and give gratuities to widows.
180*qq*. Aggregate number of pensions in each port not to exceed average of last five years. Those who have contributed longest to be first provided for.
180*rr*. Pensions to be inalienable.
180*ss*. Board of Trade may regulate the right to relief, subject as above mentioned.

Clause.

Mode of Distribution.

180 *tt.* President and governors and trustees, unless suspended, to distribute relief.

180*uu.* Board of Trade to make regulations as to applications for pensions.

180*vv.* Certificates to be exempt from stamp duty and from fees to consuls.

182*ww.* Punishment for forgery and personation.

Accounts and Returns.

180*xx.* Accountant for the purposes of this Act.

180*yy.* All persons engaged in administering the fund to make returns to the Board of Trade.

180*zz.* General return to be made and laid before Parliament.

Legal Proceedings.

180 3*a.* Orders, &c. published in Gazette to be evidence.

180 3*b.* Procedure to be same as under Mercantile Marine Act.

180 3*c.* Property belonging to Merchant Seamen's Fund to be paid into Exchequer.

180 3*d.* Expenses of Merchant Seamen's Fund to be provided for by annual vote.

Legal Rights to Wages.

181. Right to wages and provisions, when to begin.

182. Seamen not to give up certain rights.

182*a.* Construction of sect. 182. of principal Act. Stipulations concerning salvage.

183. Wages not to be dependent on the earning of freight.

184. In case of death, such wages to be paid as after mentioned.

185. Rights to wages in case of termination of service by wreck or illness.

186. Wages not to accrue during refusal to work or imprisonment.

187. Period within which wages are to be paid.

Mode of recovering Wages.

188. Seamen may sue for wages in a summary manner.

189. Restrictions on suits for wages in superior courts.

189*a.* As to claims for wages and for disbursements by master of a ship.

189*b.* Extent of Admiralty jurisdiction of county courts.

189*c.* Restrictions on proceedings in the Court of Admiralty or superior court.

190. No seaman to sue for wages abroad, except in cases of discharge or of danger to life.

191. Master to have same remedies for wages as seamen.

Relief to Seamen's Families out of Poor Rates.

Clause.

192. Relief to seamen's families to be chargeable on a certain proportion of their wages.

193. Notice to be given to owner, and charge to be enforced on the return of the seaman.

Wages and Effects of deceased Seamen.

194. Masters to take charge of or sell effects of deceased seamen which are on board, and enter the same and wages due in the official log.

194*a*. Recovery of wages, &c. of seamen lost with their ship.

195. Such effects and wages to be paid either to consul or to shipping master, with full accounts.

196. Penalties for not taking charge of, remitting, or accounting for such moneys and effects.

197. Officers of customs and consuls to take charge of effects left by seamen abroad, and to remit the same and their wages to Board of Trade.

198. Wages and effects of seamen dying at home to be paid in certain cases to Board of Trade.

199. If less than 50*l*., wages and property of deceased seamen may be paid over without probate or administration to the persons entitled.

200. Mode of payment under wills made by seamen.

201. Provision for payment of just claims by creditors and for preventing fraudulent claims.

202. Mode of dealing with unclaimed wages of deceased seamen.

203. Punishment for forgery and false representations in order to obtain wages, &c. of deceased seamen.

204. Effects of seamen discharged from navy to be disposed of by Accountant-General of Navy.

Leaving Seamen abroad.

205. On discharge of seamen abroad, by sale of ship or otherwise, certificates of discharge to be given, and seamen to be sent home at expense of owner.

206. Forcing seamen on shore a misdemeanour.

207. No seaman to be discharged or left abroad without certificate of some functionary.

208. Proof of certificate to be upon the master.

209. Wages to be paid when seamen are left behind on ground of inability.

209*a*. Payment of wages to seamen.

210. Such wages to be treated as money due to the seamen, subject to payment of expense of their subsistence and passage home.

211. Distressed seamen found abroad may be relieved and sent home at the public expense.

212. Masters of British ships compelled to take them.

Clause.
212*a*. Relief of distressed seamen to be regulated by Board of Trade.
213. Power to sue for the amount advanced for the relief of seamen left abroad.
213*a*. Extension of provisions concerning the relief of destitute seamen.

Volunteering into the Navy.

214. Seamen allowed to leave their ships in order to enter the navy.
215. Clothes to be delivered at once. Wages to be given to the the Queen's officer on account of the seamen.
216. Repayment to owner of advance paid and not duly earned.
217. If new seamen are engaged instead of the original seamen, the owner may apply for repayment of any extra expense he has been put to.
218. Application how to be decided on, and amount of repayment how to be ascertained.
219. Accountant general to pay sums when ascertained.
220. Penalty for forgery and false representations in support of such applications.

Provisions, Health, and Accommodation.

221. Survey of provisions and water on complaint made.
222. Forfeiture for frivolous complaint.
223. Allowance for short or bad provisions.
224. *Medicines, lime or lemon juice, sugar and vinegar, to be provided and kept on board certain ships.*
224*a*. Lime or lemon juice and other anti-scorbutics to be provided and kept on board certain ships.
225. Masters to keep weights and measures on board.
226. Board of Trade and local boards may appoint inspectors of medicines, who are to see that ships are properly provided.
227. *Penalty for selling bad drugs for ships.*
227*a*. Penalty for selling, &c. medicines, &c. of bad quality.
227*b*. Power to governors, &c. to make regulations as to supply of lime or lemon juice, &c.
228. Expense of medical attendance and subsistence in case of illness, and of burial in case of death, how to be defrayed.
228*a*. Seaman's expenses in case of illness through neglect of owner or master to be paid by them.
228*b*. Forfeiture of wages, &c. of seaman when illness caused by his own default.
228*c*. Rules for medical inspection of seamen.
229. Expenses, if paid by consul, to be recoverable from owner.
230. Certain ships to carry medical practitioners.
231. *Place appropriated to seamen to have a certain space for each man, and to be properly constructed and kept clear.*
231*a*. Place appropriated to seamen to have a certain space for each man, and to be properly constructed and kept clear.
231*b*. Governors abroad may appoint surveyors of crew spaces.

Power of making Complaint.

Clause.
232. Seamen to be allowed to go ashore to make complaint to a justice.

Protection of Seamen from Imposition.

233. Sale of and charge upon wages to be invalid.
234. No debt exceeding 5*s*. recoverable till end of voyage.
235. Penalty for overcharges by lodging-house keepers.
236. Penalty for detaining seamen's effects.
237. Persons not to go on board before the final arrival of ship without permission.
238. Penalty for solicitations by lodging-house keepers.

Discipline.

239. Misconduct endangering ship or life or limb a misdemeanor.
240. Power of Admiralty courts to remove master.
241. Power to investigate cases of alleged incompetency and misconduct.
241*a*. Power of Board of Trade and Local Marine Boards to investigate conduct of certicated engineers.
242. Board of Trade may cancel or suspend certificates in certain cases.
242*a*. Power of cancelling certificate to rest with the court which hears the case.
242*b*. Certificate to be delivered up.
243. Offences of seamen and apprentices and their punishments :—Desertion: Neglecting or refusing to join, or to proceed to sea, absence within 24 hours before sailing, and absence without leave: Quitting without leave before ship is secured: Act of disobedience: Continued disobedience: Assault on Officers: Combining to disobey: Wilful damage and embezzlement: Act of smuggling causing loss to owner.
243*a*. Survey of ships alleged by seamen to be unseaworthy.
243*b*. Power for naval courts to direct survey of ships.
243*c*. Compensation to seamen for unnecessary detention on charge of desertion.
244. Entry of offences to be made in official log, and to be read over or a copy given to the offender, and his reply, if any, to be also entered.
245. Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to penalties for breach of discipline.
246. Master or owner may apprehend deserters without warrant.
247. Deserters may be sent on board in lieu of being imprisoned.
248. Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.
249. Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.

Clause.
250. Facilities for proving desertion so far as concerns forfeiture of wages.
251. Costs of procuring imprisonment may to the extent of 3*l.* be deducted from wages.
252. Amount of forfeiture how to be ascertained when seamen contract for the voyage.
253. Application of forfeitures.
254. Questions of forfeitures may be decided in suits for wages.
255. Penalty for false statement as to last ship or name.
256. Fines to be deducted from wages, and paid to shipping master.
257. Penalty for enticing to desert, and harbouring deserters.
258. Penalty for obtaining passage surreptitiously.
259. On change of masters, documents hereby required to be handed over to successor.

Naval Courts on the High Seas and Abroad.

260. Naval courts may be summoned for hearing complaints, and investigating wrecks on the high seas or abroad.
261. Constitution of such courts.
262. General functions and mode of action of such courts.
263. Powers of such courts :—To supersede the master : To discharge a seaman : To forfeit wages : To decide disputes as to wages, &c. : To direct costs of imprisonment to be paid out of wages : To send home offenders for trial : To order payment of costs, &c.
264. Orders to be entered in official log.
265. Report to be made of proceedings of naval courts.
266. Penalty for preventing complaint or obstructing investigation.
266*a*. Additional powers of naval courts.

Crimes committed on the High Seas and Abroad.

267. Offences committed by British seamen at foreign ports to be within Admiralty jurisdiction.
268. Conveyance of offenders and witnesses to United Kingdom or some British possession.
269. Inquiry into cause of death on board.
270. Depositions to be received in evidence when witness cannot be produced.

Registration of and Returns respecting Seamen.

271. Establishment of register office.
272. Register of seamen to be kept.
273. Lists to be made for all ships, containing certain particulars.
274. Lists for foreign-going ships to be delivered to shipping master on arrival.
274*a*. Registration of births and deaths at sea.
275. Lists to be delivered by home-trade ships half-yearly.

Clause.

276. Lists to be sent home in case of transfer of ship and in case of loss.

277. Shipping masters and other officers to transmit documents to registrar. Registrar to permit inspection, to produce originals, and give copies.

278. Officers of customs to make returns of ships to registrar.

279. Agreements, indentures, and assignments, on arrival at a foreign port, to be deposited with the consul, and at a colony with the officers of customs.

Official Logs.

280. Official logs to be kept in forms sanctioned by Board of Trade.

281. Entries to be made in due time.

282. Entries required in official log :—Convictions : Offences : Punishments : Conduct, &c., of crew : Illnesses and injuries : Deaths : Births : Marriages : Quitting ship : Wages of men entering navy : Wages of deceased seamen : Sale of deceased men's effects : Collisions.

283. Entries how to be signed.

284. Penalties in respect of official logs.

285. Entries in official logs to be received in evidence.

286. Official logs to be delivered to shipping master.

287. Official logs to be sent home in case of transfer of ship, and in case of loss.

Colonies.

288. Provisions of Act, as applied by East Indian and colonial governments to their own ships, may be enforced throughout the empire.

289. East Indian and colonial Acts to be subject to disallowance, and require sanction as in other cases.

290. Conflict of laws.

Royal Naval Reserve.

290*a*. Power to Admiralty to raise "Royal Naval Volunteers," not to exceed 30,000 men.

290*b*. Term of service.

290*c*. Volunteers may be trained and exercised for 28 days in each year, and on shore or on board ship.

290*d*. Her Majesty may order the volunteers to be called into actual service.

290*e*. Volunteers to be called into actual service accordingly. Volunteers to serve in navy three years. The service of volunteers in actual service may be extended two years by proclamation. Volunteers whose services are extended entitled to extra pay. As to serving in the navy at intervals.

290*f*. Volunteers when called out to be victualled in the same manner as seamen of the fleet.

Clause.

290*g*. Volunteer exempt from militia and from being a peace or parish officer; and, under certain regulations, eligible for Greenwich Hospital.

290*h*. Provisions relating to billeting marines to extend to volunteers.

290*i*. Admiralty to make regulations as to sums to be paid to volunteers for entering or re-entering under this Act.

290*j*. Admiralty to grant pensions to volunteers.

290*k*. In cases of emergency pensioners to join Her Majesty's Navy.

290*l*. Laws and customs in force for the government of Her Majesty's fleet to be applicable to pensioners while on actual service.

290*m*. Admiralty to make regulations as to the manner or form in which volunteers shall be entered to serve.

290*n*. Admiralty may discharge volunteers.

290*o*. Laws relating to the government of the navy extended to volunteers during exercise, and to such volunteers and others when in actual service.

290*p*. Penalty on joining the forces as a new volunteer more than once during the same period.

290*q*. Information to be transmitted by shipping master.

290*r*. Enlistment of volunteers under this Act in Her Majesty's regular or Indian forces, or in the militia, or Naval Coast Volunteers, and entering of militia as Naval Coast Volunteers under this Act to be void. Punishment of persons offending.

290*s*. Penalty on selling or buying arms, &c. of volunteers.

290*t*. Penalty on volunteer for not attending training and exercise.

290*u*. Persons not attending when called into actual service may be apprehended and punished as deserters from the navy.

290*v*. Penalty for inducing volunteers to absent themselves, or harbouring or employing volunteers absenting themselves.

290*w*. Recovery of penalties.

290*x*. Summary jurisdiction.

290*y*. Appropriation of penalties.

290*z*. Power to Her Majesty to accept services of masters, &c. of merchant service.

290*aa*. Power to Admiralty to enrol officers of Reserve to the Royal navy.

290*bb*. As to pay, allowances, and pensions of officers of Reserve and pensions of widows of such officers.

290*cc*. As to continuance of officers already enrolled.

290*dd*. Provision as to existing and future regulations.

290*ee*. Her Majesty may accept offers of persons recommended by the Admiralty to serve as officers of the Royal Naval Reserve.

PART IV.

SAFETY AND PREVENTION OF ACCIDENTS.

Application.

Clause.
291. Application of Part IV. of Act.
291*a*. Foreign ships in British jurisdiction to be subject to regulations in Table (C.) in Schedule.
291*b*. Regulations, when adopted by a foreign country, may be applied to its ships on the high seas.

Unseaworthiness.

291*c*. Survey of ships suspected of being unseaworthy.
291*d*. Costs of survey.
291*e*. Appeal from decision of Board of Trade.
291*f*. Sending unseaworthy ship to sea, a misdemeanor.
291*g*. Cables and anchors of alleged unseaworthy ships to be tested.
291*h*. Ship's draught of water to be recorded.
291*i*. Particulars to be entered in record of draught of water.

Boats for sea-going Ships.

292. Rules as to boats and life buoys.
293. Penalties on masters and owners, &c. neglecting to provide boats and life buoys.
294. Officers of customs not to clear ships not complying with the above provisions.
294*a*. Power for Board of Trade to vary requirements as to boats.

Chain Cables and Anchors.

294*b*. *Power to corporations, &c. to provide proving establishments for testing chain cables, &c.*
294*c*. *Power to the Board of Trade to grant licenses for proving chain cables and anchors, and may suspend or revoke licenses.*
294*d*. Limitation of corporations entitled to test cables and anchors.
294*e*. Public bodies to purchase licensed testing machines.
294*f*. Advance by Public Works Loans Commissioners.
294*g*. Board of Trade to appoint inspectors from time to time.
294*h*. Licenses to be renewed annually.
294*i*. Fees payable on licenses.
294*j*. As to remuneration of inspector.
294*k*. Fees to be paid into and expenses out of Mercantile Marine Fund.
294*l*. Tester to test all cables and anchors in proper order. and impress the same with authorised proof mark.
294*m*. Mode of testing chain cables.

Clause.
294*n*. *Alteration of tensile and breaking strain.*
294*o*. 34 & 35 Vict. c. 101. s. 6. repealed. Test approved by Board of Trade to be substituted.
294*p*. Superior tests may be substituted in certain cases.
294*q*. As to charges for testing and affixing proof mark.
294*r*. Power to tester to detain chain cable, &c.
294*s*. Tester, on application, to give certificate of test.
294*t*. Persons committing certain offences deemed guilty of a misdemeanor.
294*u*. Penalty for using unlicensed testing machines.
294*v*. Act not to relieve makers from responsibility.
294*w*. Sale of unproved chain cables and anchors prohibited.
294*x*. No chain cable or anchor exceeding 168 lbs. weight to be sold without being tested.
294*y*. Contract for sale to imply a warranty.
294*z*. Act not to affect Admiralty contracts.
294*aa*. Cables and anchors of alleged unseaworthy ships to be tested.
294*bb*. Term of Act.

Lights and Fog Signals, and Meeting and Passing.

295. *Regulations as to lights and fog signals.*
296. *Rule as to ships meeting each other.*
297. *Rule for steamers in narrow channels.*
298. *If collision ensues from breach of the above rules, owner not to be entitled to recover.*
299. *Breaches of such rules to imply wilful default.*
299*a*. Enactment of regulations concerning lights, fog signals, and sailing rules in schedule, Table (C.)
299*b*. Regulations to be published.
299*c*. Owners and masters bound to obey them.
299*d*. Breaches of regulations to imply wilful default of person in charge.
299*e*. Liability for infringement of regulations in cases of collision.
299*f*. Inspection for enforcing regulations.
299*g*. Rules for harbours under local Acts to continue in force.
299*h*. In harbours and rivers where no such rules exist they may be made.
299*i*. Duties of masters in case of collision.

Build and Equipment of Steam Ships.

300. *Iron steamers to be divided by water-tight partitions. Officers of customs not to grant certificates except so divided.*
301. Equipment of steam ships:—Safety valve: Compasses to be adjusted: Fire house: Signals: Shelter for deck passengers.
302. Penalty for improper weight on safety valve.

Survey of Passenger Steamers.

Clause.
303. Definition of "Passengers" and "Passenger steamer."
304. Passenger steamers to be surveyed.
304*a*. Passenger steamers to be surveyed once in every year.
305. The Board of Trade to appoint surveyors, and fix their remuneration.
305*a*. Fees in respect of surveys, &c.
305*b*. Duties of surveyors.
306. Surveyors to have power to inspect.
307. Board of Trade to regulate mode of making surveys.
308. Penalty on surveyors receiving fees unlawfully.
308*a*. Penalty on emigration surveyor receiving gratuity.
309. Owners to have surveys made by shipwright and engineer surveyors, and surveyors to give declarations.
309*a*. Declaration of engineer surveyor to contain statement concerning engineers certificate.
310. Transmission of declarations to Board of Trade. Penalty for delay.
311. Times appointed for surveys and transmissions of declarations.
311*a*. Surveys of steamers.
312. Board of Trade to issue certificates.
313. Issue and transmission of certificates.
314. Fees to be paid for certificates.
315. How long certificates to continue in force.
316. Board of Trade may cancel certificates and require fresh declarations.
317. Copy of certificate to be placed in conspicuous part of ship.
318. Ship not to proceed on her voyage without certificate.
319. Penalty for carrying passengers in excess of numbers specified in certificate.
320. Forgery of declaration or certificate a misdemeanor.
321. Surveyors to make returns of the build and other particulars of steam ships, and owners and masters to give information for that purpose.

Misconduct by Passengers in Steamers.

322. *Penalties on persons forcing way on board; or refusing to quit the ship.*
323. *Penalty on avoiding payment of fares.*
323*a*. Penalties on drunken or disorderly passengers: On persons molesting passengers. Penalties on persons forcing way on board the ship when full; and on persons refusing to quit the ship when full. Penalties for avoiding payment of fares.
323*b*. Penalty for injuring steamer or molesting crew.
323*c*. Manner of apprehending offenders.
324. Penalty on persons refusing to give their name and address.

Clause.

325. Power to refuse or remove passengers who are drunk or misconduct themselves.

Accidents.

326. Accidents to steam ships to be reported to Board of Trade.

327. *Notice to be given of apprehended loss of steam ships.*

327*a*. Notice to be given of apprehended loss of ship.

328. Collisions to be entered in official log.

Carrying dangerous Goods.

329. *Provisions to prevent the taking dangerous goods on board without due notice.*

329*a*. Restrictions on carriage of dangerous goods.

329*b*. Penalty for misdescription of dangerous goods.

329*c*. Power to refuse to carry goods suspected of being dangerous.

329*d*. Power to throw overboard dangerous goods.

329*e*. Forfeiture of dangerous goods improperly sent.

329*f*. Saving as to Dangerous Goods Acts.

Emigrant Ships.

329*g*. To what vessels and voyages this Act extends.

329*h*. *Penalty on fraudulently using certificates or using fraudulent certificates. This section virtually repealed by sect.* 4. *of* 26 *&* 27 *Vict. c.* 51.

329*i*. *Commissioners of Emigration to carry this Act into execution.*

329*j*. *Emigration Commissioners may sue and be sued in the name of their secretary, &c.* Commissioners, &c. exempt from liability.

329*k*. Transfer to Board of Trade of powers and duties of Emigration Commissioners.

329*l*. Emigration officers and assistants to act under the Board of Trade, &c., but existing appointments to continue until revoked.

329*m*. Duties of emigration officer may be performed by his assistant, or by officer of customs.

Arrangements for the Ship.

329*n*. Facilities to be given to the proper officers for the inspection of all ships fitting for passengers. Peualty on master failing to comply, &c.

329*o*. No passenger ship to clear without certificate from emigration officer, nor until bond be given to the Crown.

329*p*. *Forfeiture of ship if master proceeds to sea without certificate of clearance, &c. Such ship to be dealt with as if seized under laws relating to customs.*

329*q*. Forfeiture of ship if master proceeds to sea without certificate of clearance, &c. Such ship to be dealt with as if seized under customs laws. Power to Secretary of State to release ships on payment of a sum of money.

Clause.

329*r*. Where passengers may be carried.

329*s*. Rule for determining the number of passengers to be carried. Penalty.

329*t*. Nothing to extend to repeal 16 & 17 Vict. c. 84.

329*u*. Power for governors of colonies to allow carriage of larger number of Asiatic and African passengers.

329*v*. Power for Government of Ceylon to regulate number of passengers in certain ships.

329*w*. Passengers lists to be delivered in duplicate by the master before clearance.

329*x*. Lists of passengers embarked after clearance to be delivered by master. Penalty on noncompliance.

329*y*. Cabin passengers to be included in passenger lists.

329*z*. Penalty on persons found on board ships without consent of owners, &c.

329*aa*. All passenger ships to be surveyed before clearing out. Penalty on noncompliance. Power to owners to appeal against surveyors report of ships not being seaworthy.

329*bb*. As to the construction of beams and decks.

329*cc*. Arrangement and size of berths.

329*dd*. Single men to be berthed in a separate compartment. As to numbers and sexes in one berth. Penalty.

329*ee*. Berths not to be removed till passengers landed.

329*ff*. Space to be allotted as a hospital. Penalty.

329*gg*. Regulation as to construction of privies.

329*hh*. As to light and ventilation. Penalty on noncompliance.

329*ii*. Regulations as to the carrying of boats; of life boats; and of life buoys, anchors, and fire engines, &c.

329*jj*. Regulations as to carrying an efficient crew.

329*kk*. Certain articles prohibited as cargo and ballast. Stowage of cargo, stores, and luggage to be approved by emigration officer.

329*ll*. Horses and cattle may be carried in passenger ships, under conditions herein named. Definition of the term "large cattle." Dogs and pigs.

329*mm*. Authority by Secretary of State to carry naval and military stores in passenger ships.

329*nn*. Computation of voyages.

329*oo*. Before clearance, provisions and water to be surveyed. Water for cooking. Provisions for the crew not to be inferior to those for the passengers. Penalty.

329*pp*. Power to emigration officer to reject and mark bad provisions, and direct the same to be landed, and if reshipped parties liable to a penalty.

329*qq*. Water tanks or casks to be approved by emigration officer.

329*rr*. Provision for touching at intermediate ports to fill up water.

Clause.

329*ss*. Dietary scales of provisions. Penalty on noncompliance.

329*tt*. Issue of lime juice confined to the Tropics.

329*uu*. Substitution of soft bread for other bread stuffs.

329*vv*. Size of messes. Provisions to be issued daily, and articles which require cooking to be cooked.

329*ww*. Power to Board of Trade to authorise an alternative dietary scale. Power to Board to alter dietary scale.

329*xx*. As to passengers stewards. Penalty on noncompliance.

329*yy*. As to passenger cooks and cooking apparatus. Penalty on noncompliance.

329*zz*. In what cases interpreters to be carried. Penalty.

329 3*a*. In what cases a medical man must be carried. Penalty.

329 3*b*. Qualification of medical man. Penalty.

329 3*c*. Medicines and medical conforts. Penalty.

329 3*d*. Medical inspection of passengers medicines, &c. Proviso where no medical inspection can be obtained. Penalty.

329 3*e*. Relanding of passengers on account of sickness or for purifying ships. Penalty.

Passengers Rights.

329 3*f*. As to return of passage money to passengers relanded on account of sickness, &c.

329 3*g*. Section 46 of recited Act to apply to cabin passengers, and passage money made recoverable immediately on relanding.

329 3*h*. Subsistence money to be paid to passengers relanded.

329 3*i*. Return of passage money and compensation to passengers where passages not provided for them according to contract.

329 3*j*. Subsistence in case of detention.

329 3*k*. Ships putting back to replenish provisions, &c. Penalty on master for default. Ships putting back to be reported to emigration officer. Penalty on master for neglect.

329 3*l*. *In case of wreck or damage passengers to be provided with a passage by some other vessel, and maintained in the meantime. In default, passage money to be returned. Power to remove passengers from ship; penalty on passengers refusing.*

329 3*m*. In case of wreck or damage in or near United Kingdom, passengers to be provided with a passage by some other vessel, and maintained in the meantime. Power to remove passengers from damaged ship; penalty on passengers refusing.

329 3*n*. Secretary of State, &c., may pay expenses of taking off passengers at sea.

329 3*o*. *Governors or consuls may send on passengers if the master of the ship fails to do so.*

329 3*p*. Governors or consuls may send on passengers if the master of the ship fail to do so.

Clause.

329 3*q*. *Expenses incurred under the two preceding sections to be a Crown debt. Passengers forwarded by governor, &c., not entitled to return of passage money.*

329 3*r*. Expenses incurred under the two preceding sections to be a debt due to the Crown. Passengers forwarded by Governor, &c., not entitled to return of passage money.

329 3*s*. Insurance of passage money not to be void on account of the nature of the risk.

329 3*t*. Penalty on wrongfully landing passengers.

329 3*u*. Passengers to be maintained for 48 hours after arrival. Penalty.

329 3*v*. Passengers right of action preserved.

Miscellaneous.

329 3*w*. Her Majesty may, by Orders in Council, prescribe rules for preserving order, health, &c. in vessels bound to the colonies, and in times of epidemic prohibit or check emigration. Gazette and copies printed by Queen's printer to be evidence of orders, &c.

329 3*x*. Surgeon or master to exact obedience to rules and regulations. Penalty on refusal.

329 3*y*. Board of Trade to prepare an abstract of Act and Orders in Council. Such abstract to be posted up in each ship. Penalty on master for neglect; and on person defacing abstract.

329 3*z*. Sale of spirits prohibited on board passenger ships. Penalty.

329 4*a*. Bond of 2,000*l*. to be given by masters of British and foreign passenger ships.

329 4*b*. Bond of 5,000*l*. to repay expenses of rescuing and forwarding shipwrecked passengers, where owners and charterers of vessel reside abroad.

322 4*c*. Counterpart of bond to be certified, and sent to the colony to which ship bound, and to be received in evidence without further proof of execution.

329 4*d*. In the absence of agreement to the contrary, the owner to be responsible in respect of default.

Passage Brokers.

329 4*e*. No person to act as passage broker without a license. Board of Trade and agents of passage brokers exempted from this section. Passage brokers to be responsible for their agents.

329 4*f*. How passage brokers licenses may be obtained. Justices to give notice to Board of Trade of license granted. Notice to be given to Board of Trade of intended application for licenses. Power to justices to order licenses to be forfeited, who shall give notice of the same to Board of Trade. As to application for licenses in Scotland.

Clause.

329 4*g*. Existing licenses to continue in force until 1st February 1856.

329 4*h*. Passage brokers to employ no agents except those expressly appointed by them. Agents to produce their appointments on demand.

329 4*i*. Penalty on persons fraudulently inducing others to engage passages.

329 4*j*. Contract tickets for cabin and other passengers.

329 4*k*. Penalty for inducing any one to part with contract ticket.

329 4*l*. Summary remedy for breach of contract.

329 4*m*. Penalty on cabin passengers and on masters, &c., omitting to produce contract tickets.

329 4*n*. Penalty on persons acting as runners without license and badge, and on passage brokers employing them.

329 4*o*. Mode of licensing and registering runners.

329 4*p*. Emigrant runner's license to be renewed annually.

329 4*q*. Penalty on runner for certain acts of misconduct. Penalty on persons using badges not lawfully issued to them.

329 4*r*. How fresh badges may be obtained in case the old ones are lost or mutilated.

329 4*s*. Runners not entitled to commission from any passage broker, unless acting with his authority, nor from emigrants for procuring their passage.

329 4*t*. List of runners to be exhibited by brokers, and sent to emigration officers.

329 4*u*. Trustees of docks may pass byelaws for regulating the landing and embarkation of intending emigrants, and for licensing emigrant porters. Byelaws to be approved by Secretary of State, and published in the London Gazette.

329 4*v*. Penalty for falsifying documents to obtain passages, and for personation.

329 4*w*. Extension of penalties for offences connected with applications for assistance in emigration.

Procedure for Penalties, &c.

329 4*x*. By whom penalties are to be recovered. By whom passage, subsistence, and compensation moneys may be recovered.

329 4*y*. Tribunal for adjudicating on offences and complaints under this Act. Proviso where no forms of proceeding are prescribed by this Act.

329 4*z*. Police and stipendiary magistrate, and in Scotland, sheriff, &c. to have the same powers as justices of the peace.

329 5*a*. No objection to be allowed nor convictions to be quashed for want of form.

329 5*b*. Application of penalties. Justices may award compensation out of penalties to party aggrieved.

329 5*c*. Burden of proof to be on persons claiming exemption from Act. Proof of negatives.

329 5*d*. Proof of a party being an emigration officer.

Clause.
329 *5e.* Passengers suing not incompetent witnesses.
329 *5f.* Tender of amends.
329 *5g.* Limitation of actions against officers executing the Act. Defendant may plead the general issue, &c. Costs.
329 *5h.* Limitation of legal proceedings generally.

Colonial Voyages.

329 *5i.* Colonial voyages defined.
329 *5j.* This Act to apply to all colonial voyages, except as relates to matters herein named. If any colonial voyage be less than three weeks, this Act not to apply to subjects herein named.
329 *5k.* Governor of colonies may, by proclamation, declare length of voyage, and prescribe scale of diet, medicines, and medical comforts. Copies of proclamation to be received as evidence.
329 *5l.* Provision for survey of ships in the colonies, and for appointing surgeons thereto.
329 *5m.* Power to the Governor General of India in Council, by any Act to be passed for that purpose, to adopt this Act for India, and to make rules respecting food, passengers, surgeons, &c., and to declare in what manner penalties, &c. may be sued for and recovered. Indian Act may be enforced in the colonies in like manner as this Act.

Voyages to the United Kingdom.

329 *5n.* List of passengers brought into the United Kingdom to be delivered by the master of the ship to the emigration officer. Penalty for neglect.
329 *5o.* Penalty on masters for having on board a greater number of persons than prescribed by section 14 of this Act.
329 *5p.* Provisions and water to be issued to passengers brought into the United Kingdom the same as in ships carrying passengers from the United Kingdom. Penalty for default.
329 *5q.* Schedules to be part of the Act.

PART V.

PILOTAGE.

Application.

330. Application of Part V. of Act.

Powers of Pilotage Authorities (General).

331. General jurisdiction of pilotage authorities.
332. Power of pilotage authorities to make and extend exemptions from compulsory pilotage.

Clause.

333. Powers of pilotage authorities:—To determine qualifications of pilots: To make regulations as to pilot boats: To make regulations for the government of pilots: To make regulations as to licenses and certificates: To alter and reduce rates of pilotage: To arrange the limits of pilotage districts: To establish funds for superannuated pilots: To alter byelaws.

333*a*. Power of pilotage authorities:—To exempt from compulsory pilotage: To alter and reduce rates of pilotage. To arrange the limits of pilotage districts. Power, by Provisional Order,—to transfer pilotage jurisdiction, and to make consequent arrangements: To constitute new authorities: To exempt from compulsory pilotage in any district: To enable existing authorities to grant licenses and fix rates: To raise rates: To facilitate recovery of rates in certain cases: To facilitate grants of licenses.

333*b*. Regulations with respect to manner of making and confirming Provisional Orders.

334. Publication of byelaws.

335. Byelaws to be laid before Parliament.

336. Power of appeal to Board of Trade.

Returns by Pilotage Authorities (General).

337. Pilotage authorities to make full returns to the Board of Trade of certain particulars connected with pilotage.

338. If local authorities fail to give the required returns, their jurisdiction may be transferred to the Trinity House.

339. Returns to be laid before Parliament.

Licensing of Masters and Mates (General).

340. Master or mate, if examined and passed, to receive a pilotage certificate enabling him to pilot particular ships.

341. Renewal of pilotage certificate.

342. Board of Trade to examine and grant pilotage certificates to mates, on pilotage authorities refusing to do so.

343. Fees to be paid upon such certificates and the renewals thereof.

344. Power to withdraw pilotage certificates.

Pilot Boats (General).

345. Pilot boats how to be provided.

346. Characteristics of pilot boats.

347. Qualified pilot to display flag, though not in pilot boat.

348. Penalty on ordinary boat displaying pilot flag.

Pilot Signals.

348*a*. Signals for pilots.

348*b*. Power to alter rules as to signals.

Pilot Licenses (General).

349. Registry of pilot license.

350. Copies of regulations to be furnished to qualified pilot, and to be produced by him.

Clause.
351. Qualified pilot to produce license to employer.
352. Licenses to be delivered up, when required, and returned on death.
352*a*. Pilotage authority may grant special sea licenses.

Compulsory Pilotage (General).

353. Compulsory pilotage, in what mode to be enforced.
354. Home-trade passenger ships to employ qualified pilots unless they have certificated masters or mates.
355. Certificates, how to be granted to such masters and mates.

Rights, Privileges, and Remuneration of Pilots (General).

356. Qualified pilots unable to board when entitled to pilotage.
357. Allowance to qualified pilot taken out of his district.
358. Penalty on qualified pilot receiving or master offering improper rate.
358*a*. Trinity House may modify rule as to pilotage rates.
359. Penalty on making a false declaration as to draught of ship or falsifying marks.
360. Power of qualified pilot to supersede unqualified pilot.
361. Penalty on unqualified person acting as pilot.
362. Occasions on which unlicensed persons may act as pilots.
363. Liability for and recovery of pilotage dues.
364. Power for consignees to retain pilotage dues paid by them.

Offences of Pilots (General).

365. Penalties on qualified pilots :—Exercising certain trades; offending against revenue; guilty of corrupt practices; lending license; acting when suspended; acting when drunk; unnecessarily causing expense; declining to go off; unnecessarily cutting or slipping cable; refusing to conduct ship into port; quitting ship.
366. Penalty on pilot endangering ship, life, or limb.
367. Penalty on pilot in charge of a ship doing her wilful injury.

General Power of Trinity House.

368. Power of Trinity House to alter regulations.

Sub-Commissioners and Pilots (Trinity House).

369. Power of Trinity House to appoint sub-commissioners.
370. Trinity House to license pilots to act within certain limits.
371. Publication of notice of licenses of pilots by the Trinity House of pilots.
372. Bonds to be given.
373. Liability limited.
374. Continuance and renewal of licenses.
375. Power to revoke and suspend licenses.

Compulsory Pilotage (Trinity House).

Clause.

376. Penalty on masters of ships employing unlicensed pilots, or acting as pilot.

377. Trinity House to make regulations for a constant supply of qualified pilots at Dungeness.

378. Ship coming past Dungeness not having pilot on board to take the first qualified pilot who offers. Penalty on masters failing to display usual signal for pilot.

379. Exemptions from compulsory pilotage.

379*a*. Extension of exemptions from compulsory pilotage.

Rates of Pilotage (Trinity House).

380. Rates of pilotage.

381. Payment of pilotage due from foreign ships trading to and from the port of London.

382. Certificate of payment of pilotage to be given.

383. Application of such moneys by Trinity House.

384. Settlement of difference as to draught of ship.

Pilot Fund (Trinity House).

385. Payments to be to the pilot fund.

386. Application of fund.

Cinque Port Pilots.

386*a*. Present Cinque Port pilots to be competent pilot vessels, to either inwards or outwards, within the limits for which they are now licensed.

386*b*. The above-mentioned Cinque Port pilots to be subject to the same rules, &c. as Trinity House pilots.

386*c*. Present Trinity House pilots may pilot ships inwards within the limits of their licenses.

386*d*. Rates to be demanded for duties hitherto performed by Cinque Port pilots.

386*e*. Existing Cinque Port pilots to have same remedies for the recovery of rates as Trinity House pilots.

386*f*. Property of Society of Cinque Port pilots to be transferred to Trinity House. Payments to Cinque Port Pilots Fund to be made henceforth to the Trinity House.

386*g*. Trinity House to pay debts and to settle the claims of persons now in receipt of relief, and of existing Cinque Port pilots. Trinity House may enable existing Cinque Port pilots to purchase an interest in the Trinity House Pilots Fund.

386*h*. As to charges on Trinity House Pilotage Fund, and its future management.

386*i*. Recital of principles upon which claims of Cinque Ports pilots are to be settled. Trinity House, with consent of Board of Trade, may make regulations for settling the above claims.

386*j*. Alteration of payments made to Trinity House Pilotage Fund by Cinque Port pilots.

Bristol Channel Pilots.

Clause.
386*k*. Arrangement of pilot funds for Bristol Channel pilots.

Appointment of Sub-Commissioners by Trinity Houses of Hull and Newcastle.

387. Power to Trinity Houses of Hull and Newcastle to appoint sub-commissioners.

Saving of Owners and Masters Rights.

388. Limitation of liability of owner where pilotage is compulsory.

PART VI.

LIGHTHOUSES.

Management of Lighthouses.

389. Management of lighthouses, buoys, and beacons to be in Trinity House, Commissioners of Northern Lighthouses, and Port of Dublin Corporation.
390. Incorporation of Commissioners of Northern Lighthouses.
391. Power to elect certain new members.
392. Trinity House may inspect lighthouses in Scotland and Ireland.
393. Board of Trade may appoint persons to inspect lighthouses, &c.
394. Power to general lighthouse authorities to control local authorities.
394*a*. Lights, &c. under local authorities to be inspected, &c. by Trinity House and other general authorities.
395. In case of default by local bodies, local lighthouses may be transferred to general lighthouse authorities.

Light Dues.

396. Dues to be levied.
396*a*. Dues may be levied for local lights.
397. Lights dues to be subject to revision by Her Majesty in Council.
398. Powers of general lighthouse authorities to alter and regulate dues.
399. Publication of dues and regulations.
400. Ship not to be cleared without production of receipt for light dues.
400*a*. Liability for and recovery of light dues.
400*b*. Powers of consignees to retain light dues paid by them.
401. Power of distress for light dues.
402. Light dues, how to be paid over and accounted for.
403. Application of light dues.
403*a*. Dues levied on ships not to be sold or charged without consent of the Board of Trade.
403*b*. Application of and accounts of dues for local lights.

Construction of and Dues for New Lighthouses.

Clause.

404. Power to lighthouse authorities to erect, place, and alter lighthouses, buoys, and beacons.

405. This power, in the case of the Commissioners and Corporation, to be subject to approval by Trinity House, with appeal to Board of Trade.

406. Sanction of Board of Trade, how to be obtained.

407. Trinity House to inform lighthouse authorities of decision of Board of Trade.

408. Power to Trinity House, with sanction of Board of Trade, to compel execution of works by Commissioners and Corporation.

409. Sanction of Board of Trade, how to be obtained.

410. Her Majesty may by Order in Council fix dues to be taken for new lighthouses.

411. No dues to be levied in the Channel Islands without consent of the States, and no power to be exercised therein but by Order in Council.

412. Incorporation of 8 & 9 Vict. cc. 18 & 19.

Surrender of Local Lighthouses.

413. Local lighthouses may be surrendered to general lighthouse authorities.

Damage to Lights, Buoys, and Beacons.

414. Penalty for injuring lights, buoys, and beacons.

Prevention of False Lights.

415. General lighthouse authorities may prohibit false lights.

416. If not obeyed they may abate such lights.

Colonial Lighthouses.

416*a*. Her Majesty may by Order in Council fix dues for colonial lighthouses.

416*b*. No such dues to be levied in any colony without the consent of the Colonial Legislature.

416*c*. Mode of collecting the said dues.

416*d*. Dues to be paid over to Her Majesty's Paymaster General.

416*e*. Dues to be applied to expenses of lighthouse, &c. for which they are levied.

416*f*. Power to borrow money on security of dues.

416*g*. Accounts for each lighthouse, &c. to be kept and laid before Parliament, and to be audited.

PART VII.

MERCANTILE MARINE FUND.

Clause.
417. Sums to be carried to Mercantile Marine Fund.
417*a*. Fees to be paid into and expenses out of Mercantile Marine Fund.
418. Application of Mercantile Marine Fund.
418*a*. Fees and salaries of surveyors and emigration officers.
418*b*. Provisions for existing debts and charges.
418*c*. Existing liabilities on Mercantile Marine Fund continued.
419. Application of ballastage rates.
420. Establishments for lighthouses and ballastage charged on fund to be fixed by Her Majesty in Council.
420*a*. Power to commute pensions and grant superannuation allowances.
421. Power to grant superannuation allowances.
422. Estimates and accounts for other expenses to be approved by the Board of Trade.
423. No expense to be allowed unless sanctioned by Board of Trade.
424. For the purpose of erecting and repairing lighthouses, and other extraordinary expenses, Treasury may advance money.
425. Power to Board of Trade to borrow money on the credit of fund.
426. Power to Public Works Loan Commissioners to advance money on the credit of the fund.
427. Lighthouse authorities to account for receipt and expenditure to Board of Trade.
428. Accounts of fund to be audited by Commissioners of Audit.
429. Accounts to be laid before Parliament.
430. Property used for the purposes of Parts III. and VI. of Act to be exempt from all rates and taxes.
431. Ships of lighthouse authorities exempt from harbour dues.

PART VIII.

WRECKS, CASUALTIES, AND SALVAGE.

Inquiries into Wrecks.

432. Inquiries to be instituted in cases of wreck and casualty.
433. Formal investigation before justices.
434. Power to appoint nautical assessor.
435. Stipendiary magistrate to be the magistrate who is member of local marine board, and to be paid.
436. Costs of such investigations.
437. Investigations in Scotland.

Clause.
438. Master or mate may be required to deliver certificate to be held until close of inquiry.

Appointment and Duties of Receivers.

439. Board of Trade superintendents of wreck, with power to appoint receivers.
439*a*. Receiver General to conform to directions of Board of Trade.
439*b*. Powers of Board of Trade as to appointment of receivers.
440. Admiral not to interfere with wreck.
441. Duty of receiver when any ship is stranded or in distress.
442. Powers of receiver in case of such accident to any ship or boat.
443. All articles washed on shore, or lost, or taken from any ship or boat, to be delivered to the receiver.
444. Power of receiver to suppress plunder and disorder by force.
445. Certain officers to exercise powers of receiver in his absence.
446. Power in case of a ship being in distress to pass over adjoining lands with carriages.
447. Penalty on owners and occupiers of land refusing to allow carriages, &c. to pass over their land.
448. Power of receiver to institute examination with respect to ships in distress.
449. Original or certified copy of examination to be primâ facie evidence.
450. Rules to be observed by persons finding wreck.
451. Power for receiver to seize concealed wreck.
452. Notice of wreck to be given by receiver.
453. Goods deemed perishable or of small value may be sold immediately.
454. In cases where any lord of the manor or other person is entitled to unclaimed wreck, receiver to give notice to him.
455. Payments to be made to receiver.
455*a*. Payment of receivers appointed by Receiver General.
455*b*. Application of fees of such receivers.
455*c*. Remuneration for services by coastguard.
456. Disputes as to sums payable to receiver to be determined by Board of Trade.
457. Application of fees.

Salvage in the United Kingdom.

458. Salvage in respect of services rendered in the United Kingdom.
458*a*. Extending 17 & 18 Vict. c. 104. as to claims for salvage of life.
458*b*. Provisions concerning salvage of life may, with the consent of any foreign country, be applied to its ships on the high seas.
459. Salvage for life may be paid by Board of Trade out of Mercantile Marine Fund.
460. Disputes as to salvage how to be settled.

Clause.
460*a*. Receiver may appoint a valuer in salvage cases.
461. Manner in which justices may decide disputes.
461*a*. Extension and amendment of summary jurisdiction in small salvage cases.
462. Costs of arbitration.
463. Justices may call for documents and administer oaths.
464. Appeal to Courts of Admiralty.
465. Justices to transmit copy of proceedings and certificate of value to court of appeal.
466. Payment of salvage, to whom to be made in case of dispute as to apportionment.
467. Apportionment of salvage.
468. Manner of enforcing payment of salvage.
468*a*. Jurisdiction of Court of Session in salvage cases.
469. Power of receiver to sell property salved in cases of nonpayment.
470. Subject to payment of expenses, fees, and salvage, owner entitled to wreck.

Unclaimed Wreck in the United Kingdom.

471. Receiver to deliver up possession of unclaimed wreck to lord of manor or other person entitled.
472. Disputed title to wreck how to be decided.
472*a*. Delivery of wreck by receiver not to prejudice title.
473. Appeal from decision of justices.
474. Power of the Board of Trade on behalf of the Crown to purchase rights to wreck.
475. Unclaimed wreck to be sold.
475*a*. Crown rights to wreck.

Jurisdiction of the High Court of Admiralty.

476. High Court of Admiralty may decide on claims of salvage, whether on sea or land.
476*a*. Extent of Admiralty jurisdiction of county courts.
476*b*. Restrictions on proceedings in the Court of Admiralty or superior court.

Offences in respect of Wreck.

477. In case of ship wrecked being plundered by a tumultuous assemblage, the hundred to be liable for damages.
478. Penalty for plundering in cases of shipwreck, for obstructing the saving of shipwrecked property, and for secreting the same.
478*a*. Stealing from ship in distress or wreck.
478*b*. Persons in possession of shipwrecked goods not giving a satisfactory account.
478*c*. If any person offers shipwrecked goods for sale, the goods may be seized, &c.
479. Penalty for selling wreck in foreign ports.

Dealers in Marine Stores and Manufacturers of Anchors.

Clause.
480. Regulations to be observed by dealers in marine stores.
481. Manner of obtaining permit to cut up cables.
482. Permit to be advertised before dealer proceeds to act thereon.
483. Manufacturers to place marks on anchors.

Salvage by Her Majesty's Ships.

484. No claim for salvage services to be allowed in respect of loss or risk of Her Majesty's ships or property.
485. Claims for salvage by Her Majesty's officers not to be determined without consent of Admiralty.
486. Steps to be taken when salvage services have been rendered by Her Majesty's ships abroad.
487. Consular officer or judge to fix amount for which a bond is to be given.
488. On master executing bond, the right of detention to cease.
489. Provision for additional security in the case of ships owned by persons resident out of Her Majesty's dominions.
490. Documents to be sent to England.
491. Whom the bond shall bind.
492. Court in which it is to be adjudicated on.
493. Power of High Court of Admiralty to enforce bonds.
494. Saving clause.
495. Document free from duty.
496. Punishment for forgery and false representations.

Salvage, General.

497. Voluntary agreement may be made, which shall have the same effect as the bond above mentioned.
498. Powers for courts having Admiralty jurisdiction to apportion salvage.

Miscellaneous.

498*a*. Signals of distress.
498*b*. Power to alter rules as to signals.
498*c*. Private signals.
498*d*. In case of wreck of foreign ships, consul general to be deemed agent of owner.
499. Foreign goods round derelict to be subject to the same duties as on importation.
500. Goods saved from ships wrecked to be forwarded to the ports of their original destination.
501. Provision as to certain terms in Scotland.

PART IX.

LIABILITY OF SHIPOWNERS.

Application.

Clause.
502. Application of Part IX. of Act.

Limitation of Liability.

503. Owner not liable in respect of certain articles.
504. *Measure of owner's liability.*
505. *Value of carriage of goods and passage money to be considered as freight.*
505*a*. Shipowners liability limited.
505*b*. Limitation of invalidity of insurances.
506. Provision for separate losses.
506*a*. Proof of passengers on board lost ship.

Mode of Procedure.

507. In case of loss of life or personal injury, Board of Trade may direct proceedings.
508. Either party may require question to be tried by a special jury.
509. Provisions for conduct of proceedings.
510. Rules as to damages and application thereof.
511. Any person who is dissatisfied with the amount of statutory damage may bring an action on his own account.
512. If Board of Trade decline to institute proceedingss, individuals may bring actions.
513. Proceedings by Board of Trade after refusal.
514. Proceedings in case of several claims being made on owner of ship.
514*a*. Jurisdiction of superior courts of common law.
514*b*. Part 9 of 17 & 18 Vict. c. 104. extended to Court of Admiralty.
514*c*. Part 9 of 17 & 18 Vict. c. 104. extended to Irish Court of Admiralty.
515. Money paid for damage how to be accounted for between part owners.

Saving Clause.

516. Saving clause.

PART X.

LEGAL PROCEDURE.

Application.

517. Application of Part X. of the Act.

Legal Procedure (General).

518. Punishment of offences and recovery of penalties.

Clause.
518*a*. 20 & 21 Vict. c. 43. s. 3. not to apply to proceedings under Board of Trade or this Act, &c.
519. Stipendiary magistrate to have same power as two justices.
519*a*. Harbour master at Holyhead may be commissioned as justice.
520. Offence where deemed to have been committed.
520*a*. As to offences committed within the jurisdiction of the Admiralty.
520*b*. Offences committed within the jurisdiction of the Admiralty.
520*c*. Restrictions on proceedings in the Court of Admiralty or superior court.
521. Jurisdiction over ships lying off the coasts.
521*a*. Jurisdiction in cases of offences on board ship.
521*b*. Offences by British subjects on board ships.
522. Service to be good if made personally, or on board ship.
523. Sums ordered to be paid leviable by distress on ship.
524. Application of penalties.
525. Limitation of time in summary proceedings.
526. Document proved without calling attesting witness.
526*a*. As to claims for damage by any ship.
527. Power of judge of court of record or Admiralty to arrest foreign ship that has occasioned damage.
528. Power in certain cases to detain ship before application made to judge.
529. Who to be defendant to suit in such cases.
529*a*. Procedure under other Acts relating to merchant shipping.
529*b*. Board of Trade may sue in name of its officers.

Legal Procedure (Scotland).

530. Offences punishable as misdemeanors.
531. Summary proceedings.
532. Form of complaint.
533. Mode of requiring appearance of defender and witnesses.
534. Backing arrestments.
535. Compelling attendance of witnesses.
536. Proceedings to be vivâ voce.
537. Power to adjourn.
538. Sentence to be in writing. Imprisonment to be inflicted in default of payment.
539. Sentence and penalties in default of defender's appearance.
540. Warrant to apprehend in default of appearance.
541. Backing sentences or decrees.
542. Orders not to be quashed for want of form; and to be final.
543. General rules, so far as applicable, to extend to penalties and proceedings in Scotland.

Admiralty Court.

Clause.
543*a*. Court to be a court of record.
543*b*. Decrees and orders of Court of Admiralty to have effect of judgments at common law.
543*c*. As to claims to goods taken in execution.
543*d*. Powers of superior courts extended to Court of Admiralty.
543*e*. Party in Court of Admiralty may apply for an order for inspection by Trinity masters.
543*f*. Admission of documents.
543*g*. Power to Court of Admiralty, when personal service of citation has not been effected, to order parties to proceed.
543*h*. As to the services of subpœna out of England and Wales.
543*i*. Power to issue new writs or other process.
543*j*. Judge and registrar to have same power as to arbitration as judges and masters at common law.
543*k*. Powers of registrar and of deputy or assistant registrar.
543*l*. False oath or affirmation deemed perjury.
543*m*. Power of appeal in interlocutory matters.
543*n*. Bail given in the Court of Admiralty good in the court of appeal.
543*o*. As to the hearing of causes and cross causes.
543*p*. Jurisdiction of the court.
543*q*. Offences committed within the jurisdiction of the Admiralty.
543*r*. Appointment of county courts for Admiralty purposes.
543*s*. Extent of Admiralty jurisdiction of county courts.
543*t*. No county court other than that appointed to have jurisdiction.
543*u*. As to transfer from county court by order of High Court of Admiralty.
543*v*. As to transfer of causes by order of county court to High Court of Admiralty.
543*w*. As to transfer of causes to other county courts or Court of Admiralty.
543*x*. Restrictions on proceedings in the Court of Admiralty or superior court.
543*y*. Powers, &c. of judges and registrars.
543*z*. Power to judge of county court to summon nautical assessors to his assistance.
543*aa*. Decrees in county courts in Admiralty causes to have same force as those in civil causes.
543*bb*. Admiralty causes to be heard at usual courts.
543*cc*. Appointment of assessors in county court.
543*dd*. Attendance of assessors.
543*ee*. Removal of assessors.
543*ff*. Power to registrars to administer oaths and take evidence.
543*gg*. Evidence before registrar receivable in Admiralty Court.
543*hh*. As to proceedings in county court for commencement of cause.

Clause.
543*ii*. Limitation of arrest.
543*jj*. Power to issue process.
543*kk*. Registration of decrees and orders.
543*ll*. Concurrent jurisdiction of the court of passage.
543*mm*. Appeal to Court of Admiralty.
543*nn*. Time for appeal.
543*oo*. Agreement not to appeal.
543*pp*. As to appeals to the Queen in Council.
543*qq*. Costs of appeal.
543*rr*. No appeal unless amount exceeds 50*l*.
543*ss*. Conduct of sale, &c. in Court of Admiralty.
543*tt*. In certain cases causes may be transferred by county court, and appeals made to Court of Admiralty of the Cinque Ports.
543*uu*. County Court Acts applied to this.
543*vv*. Practice, &c. to be regulated by general orders.
543*ww*. Authority for making general orders.

Admiralty Jurisdiction (*Colonies*).

543*xx*. All persons charged in any colony with offences committed on the sea, may be dealt with in the same manner as if the offences had been committed on waters within the local jurisdiction of the courts of the colony.
543*yy*. Persons convicted of such offences shall suffer the like punishments as on conviction of like offences in England.
543*zz*. Provision for the trial of murder and manslaughter, where the death only happens in the colony or upon the sea.
543*aaa*. Jurisdiction of the supreme courts of New South Wales and Van Diemen's Land preserved.
543*bbb*. Provision for persons entitled to be tried by the supreme court of a presidency.
543*ccc*. At trials in any colonial courts by virtue of Imperial Acts, courts empowered to pass sentences as if crimes had been committed in the colony.

PART XI.

MISCELLANEOUS.

544. Contracts may be made with natives in India, under certain conditions binding them to go to Australia, and thence to serve in other ships to the United Kingdom.
544*a*. Contracts may be made with natives in India, under certain conditions binding them to go to the United Kingdom, and then to serve in other ships back to India or elsewhere.

Clause.

544*b*. Penalty on masters of ships leaving certain seamen in distress in this country.

544*c*. Relief of destitute lascars.

544*d*. Governor of Fort William to make rules, &c. with respect to masters, &c. of vessels trading under this Act.

544*e*. Such rules and regulations to be observed in like manner as if they had formed part of this Act.

544*f*. Masters of vessels to make out list of every lascar, &c. on board, before such ship shall be admitted to entry.

544*g*. Penalty for breach of regulations relative to lascars, &c.

544*h*. Recovery of penalties.

544*i*. Lascars, &c. convicted of vagrancy to be shipped on board of vessels bound to the place from whence brought.

544*j*. Proceedings not to be quashed for want of form.

544*k*. Actions to be commenced within three months.

544*l*. Company to supply all necessaries for distressed lascars, &c. brought to this country, and may recover expense from owners.

545. Act not to affect Passenger Acts, 15 & 16 Vict. c. 44. and 16 & 17 Vict. c. 84.

546. Corporations, &c. may grant site for sailors homes.

547. Power of colonial legislatures to alter provisions of Act.

547*a*. Colonial laws, &c. inconsistent with imperial laws invalid.

547*b*. Power of Commissioners of Customs as to colonies extended to governors, &c.

547*c*. Regulations of coasting trade by colonial legislature.

547*d*. Coasting trade of India to be regulated by Governor General in Council.

547*e*. Orders to be published in "Gazette," and to be laid before Parliament.

547*f*. Orders may be revoked.

547*g*. Foreign ships in the coasting trade to be subject to the same rules as British ships.

547*h*. Foreign ships employed in the coasting trade not to be subject to higher rates than British ships.

548. Expenses incurred by Commissioners of Customs to be paid out of the consolidated customs.

548*a*. Dues levied on ships not to be sold or charged without consent of the Board of Trade.

Orders in Council.

548*b*. Effect of Order in Council.

548*c*. Orders in Council may be limited as to time, and qualified.

548*d*. Orders in Council may be revoked and altered.

548*e*. Orders in Council to be published in London Gazette.

Bills of Lading.

Clause.
548*f*. Rights under bills of lading to vest in consignee or endorsee.
548*g*. Not to affect right of stoppage in transitu or claims for freight.
548*h*. Bill of lading in hands of consignee, &c., conclusive evidence of the shipment as against master, &c. Proviso.

Delivery of Goods and Lien for Freight.

548*i*. Power to shipowner to enter and land goods in default of entry and landing by owner of goods.
548*j*. If, when goods are landed, the shipowner give notice for that purpose, the lien for freight is to continue.
548*k*. Lien to be discharged on proof of payment.
548*l*. Lien to be discharged on deposit with warehouse owner.
548*m*. Warehouse owner may at the end of 15 days, if no notice is given, pay deposit to shipowner.
548*n*. Course to be taken if notice to retain is given.
548*o*. After 90 days warehouse owner may sell goods by public auction.
548*p*. Notices of sale to be given.
548*q*. Moneys arising from sale, how to be applied.
548*r*. Warehouse owners rent and expenses.
548*s*. Warehouse owners protection.
548*t*. Stealing from ships, docks, wharves, &c.
548*u*. As to claims for damage to cargo imported.
548*v*. Saving powers under local Act.

Repeal and Saving.

548*w*. Repeal of Acts mentioned in schedule.

BENGAL SECRETARIAT LIBRARY.

The Merchant Shipping Act, 1854, (17 & 18 Vict. c. 104,) forms the basis of the following digest, and the sections which are marked with a number alone are the sections marked by the same number in that Act. The sections which are taken from other Acts are marked by a letter in addition to their number.

Preliminary.

Preliminary.

Short title of Act.

1. This Act may be cited for all purposes as "The Merchant Shipping Act, 1854."

Interpretation of certain terms in this Act.

2.* In the construction and for the purposes of this Act (if not inconsistent with the context or subject matter) the following terms shall have the respective meanings herein-after assigned to them; that is to say,

"Her Majesty's dominions" shall mean Her Majesty's dominions strictly so called, and all territories under the government of the East India Company, and all other territories (if any) governed by any charter or license from the Crown or Parliament of the United Kingdom:

"The United Kingdom" shall mean Great Britain and Ireland:

The expression "United Kingdom" shall signify Great Britain and Ireland, and the islands of Guernsey, Jersey, Alderney, Sark, Scilly, and Man. (Passengers Act, 1855, 18 & 19 Vict. c. 119.):

"British possession" shall mean any colony, plantation, island, territory, or settlement within Her Majesty's dominions and not within the "United Kingdom:"

"British possession.

The term "British possession" means any territory or place situate within Her Majesty's dominions, and not forming part of the United Kingdom, or of the Channel Islands, or Isle of Man; and all territories and places under one legislature as herein-after defined are deemed to be one British possession for the purposes of this Act. (Merchant Shipping (Colonial) Act, 1869, 32 Vict. c. 11.):

In the construction of the Merchant Shipping Act, 1854, and of the Acts amending the same, Canada shall

* The definitions collected in this section govern the construction only of the Act in which they are contained, and of any Act which is directed to be construed as one with that Act. Where no reference is given, they are taken from the Merchant Shipping Act, 1854.

Preliminary.

be deemed to be one British possession. (Merchant Shipping (Colonial) Act, 1869, 32 Vict. c. 11.):

For the purposes of this Act,—

The word "colony" shall mean any island, plantation, colony, dominion, fort, or factory of Her Majesty, except any island within the United Kingdom, and the islands of Man, Guernsey, Jersey, Alderney, and Sark, and the islands adjacent thereto respectively, *and except also all such parts and places as are under the government of the East India Company;** and

The word "governor" shall mean the officer for the time being administering the government of any colony. (Admiralty Jurisdiction in the Colonies Act, 12 & 13 Vict. c. 96. s. 5.):

For the purposes of this Act,—

The term "colony" shall not include any places within the United Kingdom, the Isle of Man, or the Channel Islands, but shall include such territories as may for the time being be vested in Her Majesty by virtue of an Act of Parliament for the Government of India, and any plantation, territory, or settlement situate elsewhere within Her Majesty's dominions, and subject to the same local government; and for the purposes of this Act, all plantations, territories, and settlements under a central legislature shall be deemed to be one colony under the same local government. (Courts (Colonial) Jurisdiction Act, 1874, 37 & 38 Vict. c. 27. s. 2.):

The expression "North America" shall signify and include the Bermudas, and all ports and places on the eastern coast of the continent of North America, or in the islands adjacent or near thereto, or in the Gulf of Mexico north of the Tropic of Cancer. (Passengers Act, 1855, 18 & 19 Vict. c. 119.):

The expression "West Indies" shall signify the West India Islands, the Bahamas, British Guiana, and Honduras. (Passengers Act, 1855, 18 & 19 Vict. c. 119.):

"Legislature."

The term "legislature" includes any person or persons who exercise legislative authority in the British possession, and where there are local legislatures as well as a central legislature, means the central legislature only. (Merchant Shipping (Colonial) Act, 1869, 32 Vict. c. 11.):

The expression "governor" shall signify the person who for the time being shall be lawfully administering the government of any British colony in which he may be acting. (Passengers Act, 1855, 18 & 19 Vict. c. 119.):

"The Treasury" shall mean the Commissioners of Her Majesty's Treasury:

* Words in italics repealed by Admiralty Jurisdiction Act (India), 1860, 23 & 24 Vict. c 88.

Preliminary.

"The Admiralty" shall mean the Lord High Admiral or the Commissioners for executing his office:

"The Board of Trade" shall mean the Lords of the Committee of Privy Council appointed for the consideration of matters relating to trade and foreign plantations:

"The Trinity House" shall mean the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided Trinity and of St. Clement in the Parish of Deptford Strond in the County of Kent, commonly called the Corporation of the Trinity House of Deptford Strond:

"The Port of Dublin Corporation" shall mean the Corporation for preserving and improving the Port of Dublin:

"Consular officer" shall include consul general, consul, and vice consul, and any person for the time being discharging the duties of consul general, consul, or vice consul:*

"Receiver" shall mean any person appointed in pursuance of this Act receiver of wreck:

"Pilotage authority" shall include all bodies and persons authorised to appoint or license pilots, or to fix or alter rates of pilotage, or to exercise any jurisdiction in respect of pilotage:

"Pilot" shall mean any person not belonging to a ship who has the conduct thereof:

"Qualified pilot" shall mean any person duly licensed by any pilotage authority to conduct ships to which he does not belong:

†"Master" shall include every person (except a pilot) having command or charge of any ship:

‡"Seaman" shall include every person (except masters, pilots, and apprentices duly indentured and registered,) employed or engaged in any capacity on board any ship:

"Salvor" shall, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, mean the person in command of such ship:

"Person" shall include body corporate:

"Ship" shall include every description of vessel used in navigation not propelled by oars:

The expression "ship" shall signify any description of sea-going vessel, whether British or foreign. (Passengers Act, 1855, 18 & 19 Vict. c. 119.):

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* Similar definition in Passengers Act, 1855.

† Similar definition in Passengers Act, 1855. In the Seamen's Fund Winding-up Act, 1851, "master" includes every person having command or charge of a ship.

‡ The definition of "seaman" in the Seamen's Fund Winding-up Act, 1851, does not exclude pilots.

Preliminary.

"Ship."

The word "ship" shall include every description of vessel employed on the high seas or on the coasts of the United Kingdom, or in any port or creek of the same, except boats exclusively employed in fishing on the coasts of the United Kingdom, or the islands of Guernsey, Jersey, Sark, Alderney, or Man, and except vessels employed exclusively in trading or going only from place to place within any river of the United Kingdom. (Seamen's Fund Winding-up Act, 1851):

"Foreign-going ship" shall include every ship employed in trading or going between some place or places in the United Kingdom and some place or places situate beyond the following limits; that is to say, the coasts of the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney, and Man, and the continent of Europe between the river Elbe and Brest inclusive:

"Home-trade ship" shall include every ship employed in trading or going within the following limits; that is to say, the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney, and Man, and the continent of Europe between the river Elbe and Brest inclusive:

"Home-trade passenger ship" shall mean every home-trade ship employed in carrying passengers:

"Home-trade ship."

The expression "home-trade ship" shall include every ship included in the above definition,* employed in trading or going within the following limits; (that is to say,) the coasts of the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney, and Man, and the continent of Europe between the River Elbe and Brest, inclusive. (Seamen's Fund Winding-up Act, 1851):

"Foreign-going ship."

The expression "foreign-going ship" shall include every "ship" included in the above definition, employed in trading or going beyond the limits aforesaid. (Seamen's Fund Winding-up Act, 1851):

"Passenger ship."

The term "passenger ship" shall signify every description of sea-going vessel, whether British or foreign, carrying, upon any voyage to which the provisions of the said "Passengers Act, 1855," shall extend, more than fifty passengers,† or a greater number of passengers than in the proportion of one statute adult to every thirty-three tons of the registered tonnage of such ships, if propelled by sails, or than one statute adult to every twenty tons, if propelled by steam. (Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 3.):

"Lighthouses" shall, in addition to the ordinary meaning of the word, include floating and other lights exhibited for the guidance of ships, and "buoys and beacons" shall include all other marks and signs of the sea:

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* *i.e.* definition in the same Act.

† *i.e.* Passenger as defined by the Passengers Act, 1855.

"Wreck" shall include jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water:

The expression "statute adult" shall signify any person of the age of twelve years or upwards, or two persons between the ages of one and twelve years. (Passengers Act, 1855, 18 & 19 Vict. c. 119.):

The expression "passage" shall include all passages except cabin passages. (Passengers Act, 1855, 18 & 19 Vict. c. 119.):

The expression "passengers" shall include all passengers except cabin passengers, and except labourers under indenture to the Hudson's Bay Company, and their families, conveyed in ships the property of or chartered by the said company, and no persons shall be deemed cabin passengers unless the space allotted to their exclusive use shall be in the proportion of at least thirty-six clear superficial feet to each statute adult, nor unless they shall be messed throughout the voyage at the same table with the master or first officer of the ship, nor unless the fare contracted to be paid by them respectively shall be in the proportion of at least thirty shillings for every week of the length of the voyage as computed under the provisions of this Act for sailing vessels proceeding from the United Kingdom to any place south of the equator, and of twenty shillings for such vessels proceeding to any place north of the equator, nor unless they shall have been furnished with a duly signed contract ticket, according to the form in Schedule (K.) of this Act. (Passengers Act, 1855, 18 & 19 Vict. c. 119.):

The expression "upper passenger deck" shall signify and include the deck immediately beneath the upper deck, or the poop or round house and deck house when the number of passengers and cabin passengers carried in such poop, round house, or deck house shall exceed one third of the total number of passengers which such ship can lawfully carry on the deck next below. (Passengers Act, 1855, 18 & 19 Vict. c. 119.):

The expression "lower passenger deck," the deck next beneath the upper passenger deck, not being an orlop deck. (Passengers Act, 1855, 18 & 19 Vict. c. 119.):

The expression "emigrant runner" shall signify every person other than a licensed passage broker or his bonâ fide salaried clerk who within any port or place of shipping, or within five miles of the outer boundaries thereof, for hire or reward, or the expectation thereof, shall directly or indirectly conduct, solicit, influence, or recommend any intending emigrant to or on behalf of any passage broker, owner, charterer, or master of a ship, lodging house, or tavern or shop keeper, money changer, or other dealer or chapman, for any purpose connected

Preliminary.

with the preparations or arrangements for a passage, or shall give or pretend to give to such intending emigrant any information or assistance in any way relating to emigration. (Passengers Act, 1855, 18 & 19 Vict. c. 119.):

"Report." The word "report" shall mean the report required by the Customs Laws to be made by the master of any importing ship. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 66.):

"Entry." The word "entry" shall mean the entry required by the Customs Laws to be made for the landing or discharge of goods from an importing ship. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 66.):

"Goods." The word "goods" shall include every description of wares and merchandise. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 66.):

"Wharf." The word "wharf" shall include all wharves, quays, docks, and premises in or upon which any goods when landed from ships may be lawfully placed. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 66.):

"Warehouse." The word "warehouse" shall include all warehouses, buildings, and premises in which goods when landed from ships may be lawfully placed. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 66.):

"Wharf owner." The expression "wharf owner" shall mean the occupier of any wharf, as herein-before defined. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 66.):

"Warehouse owner." The expression "warehouse owner" shall mean the occupier of any warehouse, as herein-before defined. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 66.):

"Shipowner." The word "shipowner" shall include the master of the ship and every other person authorised to act as agent for the owner, or entitled to receive the freight, demurrage, or other charges payable in respect of such ship. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 66.):

"Owner of goods." The expression "owner of goods" shall include every person who is for the time being entitled, either as owner or agent for the owner, to the possession of the goods, subject, in the case of a lien, if any, to such lien. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 66.):

"President and Governors." The expression "president and governors" shall mean the president and governors for the relief and support of sick, maimed, and disabled seamen, and of the widows and children of such as shall be killed, slain, or drowned in the merchant service, incorporated by the first of the said recited Acts. (Seamen's Fund Winding-up Act, 1851):

"The fund." The expression "the fund" shall mean the Merchant Seamen's Fund. (Seamen's Fund Winding-up Act, 1851.)

3. This Act shall come into operation on the first day of May one thousand eight hundred and fifty-five. **Commencement of Act.**

4. This Act shall not, except as herein-after specially provided, apply to ships belonging to Her Majesty. **Exemption of Her Majesty's ships.**

5. This Act shall be divided into eleven parts:— **Division of Act.**

The first part relating to the Board of Trade: its general functions:

The second part to British ships: their ownership, measurement, and registry:

The third part to masters and seamen:

The fourth part to safety and prevention of accidents:

The fifth part to pilotage:

The sixth part to lighthouses:

The seventh part to the Mercantile Marine Fund:

The eighth part to wrecks, casualties, and salvage:

The ninth part to liability of shipowners:

The tenth part to legal procedure:

The eleventh part to miscellaneous matters.

PART I.

Functions of Board of Trade.

THE BOARD OF TRADE: ITS GENERAL FUNCTIONS.

Board of Trade to be Department to superintend merchant shipping.

6. The Board of Trade shall be the department to undertake the general superintendence of matters relating to merchant ships and seamen, and shall be authorised to carry into execution the provisions of this Act, and of all other Acts relating to merchant ships and seamen in force for the time being, other than such Acts as relate to the revenue.

Title of Board of Trade.

6 *a.* The Lords of the Committee of Privy Council, appointed for the consideration of matters relating to trade and foreign plantations, may be described in all Acts of Parliament, deeds, contracts, and other instruments by the official title of "the Board of Trade," without expressing their names; and all Acts of Parliament, contracts, deeds, and other instruments wherein they are so described, shall be as valid as if the said Lords, or any of them, had been named therein. (Harbours and Passing Tolls, &c. Act, 1861, 24 & 25 Vict. c 47. s. 65.)

Certificates and documents purporting to be sealed or signed in a given manner to be received in evidence.

7. All documents whatever purporting to be issued or written by or under the direction of the Board of Trade, and purporting either to be sealed with the seal of such Board, or to be signed by one of the secretaries or assistant secretaries to such Board, shall be received in evidence, and shall be deemed to be issued or written by or under the direction of the said Board, without further proof, unless the contrary be shown; and all documents purporting to be certificates issued by the Board of Trade in pursuance of this Act, and to be sealed with the seal of such Board, or to be signed by one of the officers of the Marine Department of such Board, shall be received in evidence, and shall be deemed to be such certificates, without further proof, unless the contrary be shown.

Board of Trade to issue forms of instruments.

8. The Board of Trade may from time to time prepare and sanction forms of the various books, instruments, and papers required by this Act other than those required by the second part thereof, and may from time to time make such alterations therein as it deems requisite; and shall, before finally issuing or altering any such form, give such public notice thereof as it deems necessary in order to prevent inconvenience, and shall cause every such form to be sealed with such seal as aforesaid, or marked with some other distinguishing mark, and to be supplied at the custom houses and shipping offices of the United Kingdom free of charge, or at such moderate prices as it may from time to time fix, or may license any persons to print and sell the same; and every such book, instrument,

and paper as aforesaid shall be made in the form issued by the Board of Trade, and sanctioned by it as the proper form for the time being; and no such book, instrument, or paper as aforesaid, unless made in such form, shall be admissible in evidence in any civil proceeding on the part of any owner or master of any ship; and every such book, instrument, or paper, if made in a form purporting to be a proper form, and to be sealed or marked as aforesaid, shall be taken to be made in the form hereby required, unless the contrary is proved.

Functions of Board of Trade.

9. All instruments used in carrying into effect the second part of this Act, if not already exempted from stamp duty, and all instruments which by the third, fourth, sixth, or seventh parts of this Act are required to be made in forms sanctioned by the Board of Trade, if made in such forms, and all instruments used by or under the direction of the Board of Trade in carrying such parts of this Act into effect, shall be exempt from stamp duty.

Certain forms and instruments to be exempt from stamp duty.

10. Every person who forges, assists in forging, or procures to be forged, such seal or other distinguishing mark as aforesaid, or who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any form issued by the Board of Trade, with the view of evading any of the provisions of this Act or any condition contained in such form, shall for each offence be deemed guilty of a misdemeanor; and every person who, in any case in which a form sanctioned by the Board of Trade is by the third part of this Act required to be used, uses without reasonable excuse any form not purporting to be so sanctioned, or who prints, sells, or uses any document purporting to be a form so sanctioned, knowing the same not to be so sanctioned for the time being or not to have been prepared and issued by the Board of Trade, shall for each such offence incur a penalty not exceeding ten pounds.

Penalties for forgery of seal and fraudulent alteration of forms, and for not using forms issued by Board of Trade.

11. Subject to the provisions herein-after contained, all fees and payments (other than fines) coming to the hands of the Board of Trade under the third and fourth parts of this Act, shall be carried to the account of the Mercantile Marine Fund herein-after mentioned, and shall be dealt with as herein prescribed in that behalf; and all fines coming to the hands of the Board of Trade under this Act shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom.

Application of moneys and fines paid to Board of Trade.

12. All consular officers, and all officers of customs abroad, and all local marine boards and shipping masters, shall make and send to the Board of Trade such returns or reports on any matter relating to British merchant shipping or seamen as such Board requires; and all shipping masters shall, whenever

Returns to Board of Trade.

Functions of Board of Trade.

required by the Board of Trade, produce to such Board or to its officers all official log books and other documents which, in pursuance of this Act, are delivered to them.

Officers of Board of Trade, naval officers, consuls, the Registrar General of Seamen, officers of customs, and shipping masters, may inspect documents and muster crews.

13. Every officer of the Board of Trade, and every commissioned officer of any of Her Majesty's ships on full pay, and every British consular officer, and the Registrar General of Seamen and his assistant, and every chief officer of customs in any place in Her Majesty's dominions, and every shipping master, may, in cases where he has reason to suspect that the provisions of this Act or the laws for the time being relating to merchant seamen and to navigation are not complied with, exercise the following powers; (that is to say,)

He may require the owner, master, or any of the crew of any British ship to produce any official log books or other documents relating to such crew or any member thereof in their respective possession or control:

He may require any such master to produce a list of all persons on board his ship, and take copies of such official log books, or documents, or of any part thereof:

He may muster the crew of any such ship:

He may summon the master to appear and give any explanation concerning such ship or her crew or the said official log books or documents:

And if upon requisition duly made by any person so authorised in that behalf as aforesaid, any person refuses or neglects to produce any such official log book or document as he is herein-before required to produce, or to allow the same to be inspected or copied as aforesaid, or impedes any such muster of a crew as aforesaid, or refuses or neglects to give any explanation which he is herein-before required to give, or knowingly misleads or deceives any person herein-before authorised to demand any such explanation, he shall for each such offence incur a penalty not exceeding twenty pounds.

Board of Trade may appoint inspectors.

14. The Board of Trade may from time to time, whenever it seems expedient to them so to do, appoint any person, as an inspector, to report to them upon the following matters; (that is to say,)

(1.) Upon the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused:

(2.) Whether the provisions of this Act, or any regulations made under or by virtue of this Act, have been complied with:

(3.) Whether the hull and machinery of any steam ship are sufficient and in good condition.

Powers of inspectors.

15. Every such inspector as aforesaid shall have the following powers; (that is to say,)

(1.) He may go on board any ship, and may inspect the same or any part thereof, or any of the machinery,

boats, equipments, or articles on board thereof to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage:

Functions of Board of Trade.

(2.) He may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make:

(3.) He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make:

(4.) He may require and enforce the production of all books, papers, or documents which he considers important for such purpose:

(5.) He may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination:

Witnesses to be allowed expenses.

And every witness so summoned as aforesaid shall be allowed such expenses as would be allowed to any witness attending on subpœna to give evidence before any court of record, or if in Scotland, to any witness attending on citation the Court of Justiciary; and in case of any dispute as to the amount of such expenses the same shall be referred by the inspector to one of the Masters of Her Majesty's Court of Queen's Bench in England or Ireland, or to the Queen's and Lord Treasurer's Remembrancer in Scotland, who, on a request made to him for that purpose under the hand of the said inspector, shall ascertain and certify the proper amount of such expenses; and every person who refuses to attend as a witness before any such inspector, after having been required so to do in the manner hereby directed and after having had a tender made to him of the expenses (if any) to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which any such inspector is hereby empowered to require, shall for each such offence incur a penalty not exceeding ten pounds.

Penalty for refusing to give evidence.

Section 15 of 17 & 18 Vict. c. 104. extended to Registrar of Court of Admiralty.

15 *a.* The Registrar of the High Court of Admiralty shall have the same powers under the fifteenth section of the Merchant Shipping Act, 1854, as are by the said section conferred on the Masters of Her Majesty's Court of Queen's Bench in England and Ireland.* (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 24.)

* Same powers conferred on Registrar of Irish Court of Admiralty by 30 & 31 Vict. c. 114. s. 45.

Functions of Board of Trade.

Penalty for obstructing inspectors in the execution of their duty.

16. Every person who wilfully impedes any such inspector appointed by the Board of Trade as aforesaid in the execution of his duty, whether on board any ship or elsewhere, shall incur a penalty not exceeding ten pounds, and may be seized and detained by such inspector or other person, or by any person or persons whom he may call to his assistance, until such offender can be conveniently taken before some justice of the peace or other officer having proper jurisdiction.

PART II.

BRITISH SHIPS: THEIR OWNERSHIP, MEASUREMENT, AND REGISTRY.

Application.

Application.

Application of Part II. of Act.

17. The second part of this Act shall apply to the whole of Her Majesty's dominions.

Description and Ownership of British Ships.

Description and Ownership of British Ships.

Description and ownership of British ships.

18. No ship shall be deemed to be a British ship unless she belongs wholly to owners of the following description; that is to say,

(1.) Natural-born British subjects:

Provided that no natural-born subject who has taken the oath of allegiance to any foreign sovereign or state shall be entitled to be such owner as aforesaid, unless he has subsequently to taking such last-mentioned oath taken the oath of allegiance to Her Majesty, and is and continues to be during the whole period of his so being an owner resident in some place within Her Majesty's dominions, or if not so resident, member of a British factory, or partner in a house actually carrying on business in the United Kingdom or in some other place within Her Majesty's dominions:

(2.) Persons made denizens by letters of denization, or naturalized by or pursuant to any Act of the Imperial Legislature, or by or pursuant to any Act or ordinance of the proper legislative authority in any British possession:

Provided that such persons are and continue to be during the whole period of their so being owners resident in some place within Her Majesty's dominions, or if not so resident, members of a British factory, or partners in a house actually carrying on business in the United Kingdom or in some other place within Her Majesty's dominions, and have taken the oath of allegiance to Her Majesty subsequently to the period of their being so made denizens or naturalized:

(3.) Bodies corporate established under, subject to the laws of, and having their principal place of business in the United Kingdom or some British possession.

Description and Ownership of British Ships.

British ships with certain exceptions must be registered.

19. Every British ship must be registered in manner herein-after mentioned, except,

(1.) Ships duly registered before this Act comes into operation:

(2.) Ships not exceeding fifteen tons burden employed solely in navigation on the rivers or coasts of the United Kingdom, or on the rivers or coasts of some British possession within which the managing owners of such ships are resident:

(3.) Ships not exceeding thirty tons burden, and not having a whole or fixed deck, and employed solely in fishing or trading coastwise on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of St. Lawrence, or on such portion of the coasts of Canada, Nova Scotia, or New Brunswick as lie bordering on such gulf:

And no ship hereby required to be registered shall, unless registered, be recognised as a British ship; and no officer of customs shall grant a clearance or transire to any ship hereby required to be registered for the purpose of enabling her to proceed to sea as a British ship, unless the master of such ship, upon being required so to do, produces to him such certificate of registry as is herein-after mentioned; and if such ship attempts to proceed to sea as a British ship without a clearance or transire, such officer may detain such ship until such certificate is produced to him.

Measurement of Tonnage.

Tonnage deck; feet; decimals.

20. Throughout the following rules the tonnage deck shall be taken to be the upper deck in ships which have less than three decks, and to be the second deck from below in all other ships; and in carrying such rules into effect all measurement shall be taken in feet and fractions of feet, and all fractions of feet shall be expressed in decimals.

RULE I.

For ships to be registered and other ships of which the hold is clear.

21. The tonnage of every ship to be registered, with the exceptions mentioned in the next section, shall previously to her being registered be ascertained by the following rule, herein-after called Rule I.; and the tonnage of every ship to which such rule can be applied, whether she is about to be registered or not, shall be ascertained by the same rule:

Lengths.

(1.) Measure the length of the ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be, (average thickness,) deducting from this length what is due to the rake of the bow in the thickness of the deck; and what is due to the rake of the stern timber in the thick-

ness of the deck, and also what is due to the rake of the stern timber in one third of the round of the beam; divide the length so taken into the number of equal parts required by the following table according to the class in such table to which the ship belongs: *Measurement of Tonnage.*

TABLE.

Class 1. Ships of which the tonnage deck is according to the above measurement 50 feet long or under, into four equal parts:

" 2. Ships of which the tonnage deck is according to the above measurement above 50 feet long and not exceeding 120, into 6 equal parts:

" 3. Ships of which the tonnage deck is according to the above measurement above 120 feet long and not exceeding 180, into 8 equal parts:

" 4. Ships of which the tonnage deck is according to the above measurement above 180 feet long and not exceeding 225, into 10 equal parts:

" 5. Ships of which the tonnage deck is according to the above measurement above 225 feet long, into 12 equal parts.

(2.) Then, the hold being first sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such ship at each point of division of the length as follows:—Measure the depth at each point of division from a point at a distance of one third of the round of the beam below such deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and limber strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above (*i.e.* numbering the upper breadth one, and so on down to the lowest breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity thus obtained by one third of the common interval between the breadths, and the **Transverse areas.**

Measurement of Tonnage.

product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the seventh; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area.

Computation from areas.

(3.) Having thus ascertained the transverse area at each point of division of the length of the ship as required by the above table, proceed to ascertain the register tonnage of the ship in the following manner:—Number the areas successively 1, 2, 3, &c., No. 1. being at the extreme limit of the length at the bow, and the last No. at the extreme limit of the length at the stern; then whether the length be divided according to the table into four or twelve parts as in Classes 1 and 5, or any intermediate number as in Classes 2, 3, and 4, multiply the second and every even numbered area by four, and the third and every odd numbered area (except the first and last) by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantity thus obtained by one third of the common interval between the areas and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient being the tonnage under the tonnage deck shall be deemed to be the register tonnage of the ship, subject to the additions and deductions herein-after mentioned.

Poop and any other closed-in space.

(4.) If there be a break, a poop, or any other permanent closed-in space on the upper deck, available for cargo or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:—Measure the internal mean length of such space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height,

Measurement of Tonnage.

and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage deck, ascertained as aforesaid, subject to the following provisoes; first, that nothing shall be added for a closed-in space solely appropriated to the berthing of the crew, unless such space exceeds one twentieth of the remaining tonnage of the ship, and in case of such excess the excess only shall be added;* and secondly, that nothing shall be added in respect of any building erected for the shelter of deck passengers, and approved by the Board of Trade.

In case of two or more decks.

(5.) If the ship has a third deck, commonly called a spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:—Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively 1, 2, 3, &c., commencing at the stem; multiply the second and all the other even numbered breadths by four, and the third and all the other odd numbered breadths (except the first and last) by two; to the sum of these products add the first and last breadths; multiply the whole sum by one third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of such space; measure the mean height of such space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the ship ascertained as aforesaid; and if the ship has more than three decks, the tonnage of each space between decks above the tonnage deck shall be severally ascertained in manner above described, and shall be added to the tonnage of the ship ascertained as aforesaid.

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* As to deductions for crew space, *see* 231 *a*.

Measurement of Tonnage.

RULE II.

For ships not requiring registry with cargo on board.

22. Ships which, requiring to be measured for any purpose other than registry, have cargo on board, and ships which, requiring to be measured for the purpose of registry, cannot be measured by the rule above given, shall be measured by the following rule, herein-after called Rule II.:

Length

Breadth.

Girting of the ship.

(1.) Measure the length on the upper deck from the outside of the outer plank at the stem to the aftside of the stern post, deducting therefrom the distance between the aftside of the stern post and the rabbet of the stern post at the point where the counter plank crosses it; measure also the greatest breadth of the ship to the outside of the outer planking or wales, and then, having first marked on the outside of the ship on both sides thereof the height of the upper deck at the ship's sides, girt the ship at the greatest breadth in a direction perpendicular to the keel from the height so marked on the outside of the ship on the one side to the height so marked on the other side by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum; multiply the result by the length of the ship taken as aforesaid; then multiply this product by the factor ·0018 (eighteen ten-thousandths) in the case of ships built of wood and by ·0021 (twenty-one ten-thousandths) in the case of ships built of iron, and the product shall be deemed the register tonnage of the ship, subject to the additions and deductions herein-after mentioned.

Poop and other closed-in spaces on upper deck.

(2.) If there be a break, a poop, or other closed-in space on the upper deck the tonnage of such space shall be ascertained by multiplying together the mean length, breadth, and depth of such space, and dividing the product by 100, and the quotient so obtained shall be deemed to be the tonnage of such space, and shall, subject to the deduction for a closed-in space appropriated to the crew as mentioned in Rule I., be added to the tonnage of the ship ascertained as aforesaid.

Ships measured under Rule II. may be measured under Rule I.

22 *a*. The owner of any ship which is measured under Rule II. contained in the twenty-second section of the Merchant Shipping Act, 1854, may at any subsequent period apply to the *Commissioners of Customs* [Board of Trade *] to have the said ship remeasured under Rule I. contained in the twenty-first section of the same Act, and the said *Commissioners* [Board *] may thereupon, and upon payment of such fee not exceeding seven shillings and sixpence for each trans-

Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 3.

verse section as they may authorise, direct the said ship to be remeasured accordingly, and the number denoting the register tonnage shall be altered accordingly. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 14.)

Measurement of Tonnage.

RULE III.

Allowance for engine room in steamers.

23. In every ship propelled by steam or other power requiring engine room, an allowance shall be made for the space occupied by the propelling power, and the amount so allowed shall be deducted from the gross tonnage of the ship ascertained as aforesaid, and the remainder shall be deemed to be the register tonnage of such ship; and such deduction shall be estimated as follows; (that is to say,)

To be rateable in ordinary steamers.

(*a.*) As regards ships propelled by paddle wheels in which the tonnage of the space solely occupied by and necessary for the proper working of the boilers and machinery is above twenty per cent. and under thirty per cent. of the gross tonnage of the ship, such deduction shall be thirty-seven one-hundredths of such gross tonnage; and in ships propelled by screws in which the tonnage of such space is above thirteen per cent. and under twenty per cent. of such gross tonnage, such deduction shall be thirty-two one-hundredths of such gross tonnage:

May be measured where the space is unusually large or small.

(*b.*) As regards all other ships, the deduction shall, if the *Commissioners of Customs* [Board of Trade*] and the owner both agree thereto, be estimated in the same manner; but either they or he may in their or his discretion require the space to be measured and the deduction estimated accordingly; and whenever such measurement is so required the deduction shall consist of the tonnage of the space actually occupied by or required to be inclosed for the proper working of the boilers and machinery, with the addition in the case of ships propelled by paddle wheels of one half, and in the case of ships propelled by screws of three fourths of the tonnage of such space; and the measurement and use of such space shall be governed by the following rules; (that is to say,)

Mode of measurement.

(1.) Measure the mean depth of the space from its crown to the ceiling at the limber strake, measure also three, or, if necessary, more than three breadths of the space at the middle of its depth, taking one of such measurements at each end, and another at the middle of the length; take the mean of such breadths; measure also the mean length of the space between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, as are not actually occupied by or required for the proper working of the machinery; multiply together

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 3.

Measurement of Tonnage.

these three dimensions of length, breadth, and depth, and the product will be the cubical contents of the space below the crown; then find the cubical contents of the space or spaces, if any, above the crown aforesaid, which are framed in for the machinery or for the admission of light and air, by multiplying together the length, depth, and breadth thereof; add such contents to the cubical contents of the space below the crown; divide the sum by 100; and the result shall be deemed to be the tonnage of the said space:

In case of separate compartments.

(2.) If in any ship in which the space aforesaid is to be measured the engines and boilers are fitted in separate compartments, the contents of each shall be measured severally in like manner, according to the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space:

Shaft trunk of screw steamer.

(3.) In the case of screw steamers in which the space aforesaid is to be measured, the contents of the shaft trunk shall be added to and deemed to form part of such space, and shall be ascertained by multiplying together the mean length, breadth, and depth, of the trunk, and dividing the product by 100:

Alteration of engine room.

(4.) If in any ship in which the space aforesaid is to be measured any alteration be made in the length or capacity of such space, or if any cabins be fitted in such space, such ship shall be deemed to be a ship not registered until remeasurement:

Penalty for carrying goods in such space.

(5.) If in any ship in which the space aforesaid is to be measured any goods or stores are stowed or carried in such space, the master and owner shall each be liable to a penalty not exceeding one hundred pounds.

RULE IV.

Open ships how measured.

24. In ascertaining the tonnage of open ships the upper edge of the upper strake is to form the boundary line of measurement, and the depths shall be taken from an athwartship line, extended from upper edge to upper edge of the said strake at each division of the length.

Tonnage and number of certificate to be carved on main beam.

25. *In every registered British ship the number denoting the register tonnage, ascertained as herein-before directed, and the number of her certificate of registry, shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if it at any time cease to be so continued such ship shall no longer be recognized as a British ship.* (Repealed by Merchant Shipping Act, 1871, 34 & 35 Vict. c. 110. s. 12.)*

* See s. 34*a*.

Measurement of Tonnage.

Tonnage when once ascertained to be ever after deemed the tonnage.

26. Whenever the tonnage of any ship has been ascertained and registered in accordance with the provisions of this Act, the same shall thenceforth be deemed to be the tonnage of such ship, and be repeated in every subsequent registry thereof, unless any alteration is made in the form or capacity of such ship, or unless it is discovered that the tonnage of such ship has been erroneously computed; and in either of such cases such ship shall be remeasured, and her tonnage determined and registered according to the rules herein-before contained in that behalf.

Remeasurement of ships already registered may be made, but not to be compulsory.

27. The rules for the measurement of tonnage herein contained shall not make it necessary to alter the present registered tonnage of any British ship registered before this Act comes into operation; but if the owner of any such ship desires to have the same remeasured according to such rules, he may apply to the *Commissioners of Customs* [Board of Trade*] for the purpose, and such *Commissioners* [Board*] shall thereupon, and on payment of such reasonable charge for the expenses of remeasurement, not exceeding the sum of seven shillings and sixpence for each transverse section, as they may authorise, direct such remeasurement to be made, and such ship shall thereupon be remeasured according to such rules as aforesaid, or according to such of them as may be applicable; and the number denoting the register tonnage shall be altered accordingly.

Power to remeasure engine-rooms improperly extended.

28. If it appears to the *Commissioners of Customs* [Board of Trade*] that in any steam ship measured before this Act comes into operation store rooms or coal bunkers have been introduced into or thrown across the engine-room, so that the deduction from the tonnage on account of the engine-room is larger than it ought to be, the said *Commissioners* [Board*] may, if they think fit, direct such engine-room to be remeasured according to the rules in force before this Act comes into operation, excluding the space occupied by such store-rooms or coal bunkers, or may, if the owners so desire, cause the ship to be remeasured according to the rules herein-before contained, and subject to the conditions contained in the last preceding section; and after remeasurement the said *Commissioners* [Board*] shall cause the ship to be registered anew, or the registry thereof to be altered, as the case may require.

Officers may be appointed and regulations made for measurement of ships.

29. The *Commissioners of Customs* [Board of Trade*] may, with the sanction of the Treasury, appoint such persons to superintend the survey and admeasurement of ships as they think fit; and may, *with the approval of the Board of Trade,** make such regulations for that purpose as may be necessary; and also, *with the like approval,** make such modifications and

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 3.

Measurement of Tonnage.

alterations as from time to time become necessary in the tonnage rules hereby prescribed, in order to the more accurate and uniform application thereof, and the effectual carrying out of the principle of admeasurement therein adopted.

Tonnage rates under Local Acts may be levied on the registered tonnage.

29 *a.* Any body corporate or persons having power to levy tonnage rates on ships may, if they think fit, with the consent of the Board of Trade, levy such tonnage rates upon the registered tonnage of the ships as determined by the rules for the measurement of tonnage for the time being in force under the principal Act, notwithstanding that the local Act or Acts under which such rates are levied provides for levying the same upon some different system of tonnage measurement. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 4.)

Ships of foreign countries adopting the rules for measurement of tonnage need not be remeasured in this country.

29 *b.* Whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant ships for the time being in force under the principal Act have been adopted by the government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty by Order in Council to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers; and thereupon it shall no longer be necessary for such ships to be remeasured in any port or place in Her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers, in the same manner, to the same extent, and for the same purposes in, to, and for which the tonnage denoted in the certificates of registry of British ships is deemed to be the tonnage of such ships.* (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 60.)

Registry of British Ships.

Registry of British Ships.

Registrars of British ships.

30. The following persons are required to register British ships, and shall be deemed registrars for the purposes of this Act; (that is to say,)

(1.) At any port or other place in the United Kingdom or Isle of Man approved by the Commissioners of Customs for the registry of ships, the collector,

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* Orders in Council have been made extending the measurement rules to the following countries:

Austro-Hungary	19th August 1871.
Denmark	29th February 1868.
France	5th May 1873.
Germany	26th June 1873.
Italy	30th September 1873.
United States	30th July 1868.

comptroller, or other principal officer of customs for the time being:

(2.) In the islands of Guernsey and Jersey, the principal officers of Her Majesty's customs, together with the governor, lieutenant-governor, or other person administering the government of such islands respectively:

(3.) In Malta, Gibraltar, and Heligoland, the governor, lieutenant-governor, or other person administering the government of such places respectively:

(4.) At any port or place so approved as aforesaid within the limits of the charter but not under the government of the East India Company, and at which no custom-house is established, the collector of duties, together with the governor, lieutenant-governor, or other person administering the government:

(5.) At the ports of Calcutta, Madras, and Bombay, the master attendants, and at any other port or place so approved as aforesaid within the limits of the charter and under the government of the East India Company, the collector of duties, or any other person of six years standing in the civil service of the said company who is appointed by any of the governments of the said company to act for this purpose:

(6.) At every other port or place so approved as aforesaid within Her Majesty's dominions abroad, the collector, comptroller, or other principal officer of customs or of navigation laws, or if there is no such officer resident at such port or place, the governor, lieutenant-governor, or other person administering the government of the possession in which such port or place is situate.

Registrars of British ships in British possessions.

30 *a.* It shall be lawful for Her Majesty, by Order in Council, from time to time to declare, with respect to the British possession mentioned in the order, the description of persons who are to be registrars of British ships in that British possession, and to revoke any order so made.

After the date specified in the order, or, if no date is specified, after the date of the proclamation of the order in the British possession, the order shall have effect as if it were contained in section thirty of the Merchant Shipping Act, 1854. (Merchant Shipping (Colonial) Act, 1869, 32 Vict. c. 11. s. 6.)

Substitution of governor abroad for Commissioners of Customs, and of Consul for Justice.

31. The governor, lieutenant-governor, or other person administering the government, in any British possession where any ship is registered under the authority of this Act shall, with regard to the performance of any act or thing relating to the registry of a ship or of any interest therein, be considered in all respects as occupying the place of the Commissioners of

Registry of British Ships.

Customs; and any British consular officer shall, in any place where there is no justice of the peace, be authorised to take any declaration hereby required or permitted to be made in the presence of a justice of the peace.*

Registrar to keep register books.

32. Every registrar shall keep a book, to be called "The Register Book," and enter therein the particulars herein-after required to be registered.

Port of registry of British ship.

33. The port or place at which any British ship is registered for the time being shall be considered her port of registry or the port to which she belongs.

Her Majesty may, by Order in Council, declare certain foreign ports ports of registry.

33 *a.* Where, in accordance with the Foreign Jurisdiction Acts, Her Majesty exercises jurisdiction within any port out of Her Majesty's dominions, it shall be lawful for Her Majesty, by Order in Council, to declare such port a port of registry (in this Act referred to as a foreign port of registry), and by the same or any subsequent Order in Council to declare the description of persons who are to be the registrars of British ships at such foreign port of registry, and to make regulations with respect to the registry of British ships thereat.

Upon such Order coming into operation it shall have effect as if it were enacted in the Merchant Shipping Acts, 1854 to 1873, and shall, subject to any exceptions and regulations contained in the Order, apply in the same manner, as near as may be, as if the port mentioned in the Order were an ordinary port of registry. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 29.)

Name of ship.

34. *The following rules shall be observed with respect to the names of British registered ships; (that is to say,)*

(1.) *Before registry the name of each ship and of the port to which she belongs shall be painted on a conspicuous part of her stern on a dark ground in white or yellow letters of a length not less than four inches:*

(2.) *No change shall be made in the name of any registered ship:*

(3.) *No concealment, absence, or avoidable obliteration of the above names shall be permitted, except for the purpose of escaping capture by an enemy:*

(4.) *The ship shall not be described by or with the knowledge of the owner or master by any name other than the one by which she is registered:*

And for every breach of the above rules or any of them the owner and master shall each incur a penalty not exceeding one hundred pounds. (Repealed, Merchant Shipping Act, 1871, 34 & 35 Vict. c. 110. s. 12.)

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* See also s. 547 *b*.

Registry of British Ships.

Particulars to be marked on British ships.

34 *a*. Every British ship registered after the passing of this Act shall before registry, and every British ship registered before the passing of this Act shall, on or before the first day of January one thousand eight hundred and seventy-four, be permanently and conspicuously marked to the satisfaction of the Board of Trade, as follows:

Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth:

Her official number and the number denoting her registered tonnage shall be cut in on her main beam:

A scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern-post in Roman capital letters or in figures, not less than six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby. Such letters or figures shall be marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Board of Trade may from time to time approve.

The Board of Trade may, however, exempt any class of ships from the requirements of this section or any of them.

If the scale of feet showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

The marks required by this section shall be permanently continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant Shipping Acts, 1854 to 1873.

Any owner or master of a British ship who neglects to cause his ship to be marked as aforesaid, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds, and any officer of customs on receipt of a certificate from a surveyor or inspector of the Board of Trade that a ship is insufficiently or inaccurately marked may detain the same until the insufficiency or inaccuracy has been remedied.

Provided that no fishing vessel duly registered, lettered, and numbered in pursuance of the Sea Fisheries Act, 1868, shall be required to have her name and port of registry marked under this section.

Registry of British Ships.

Provided also, that if any registered British ship is not within a port of the United Kingdom at any time before the first day of January one thousand eight hundred and seventy-four, she shall be marked as by this section required within one month after her next return to a British port of registry subsequent to that date. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 3.)

Rules to be observed in naming of ships.

34 *b*. With respect to the names of British ships, the following rules shall be observed:

(1.) A ship shall not be described by any name other than that by which she is for the time being registered:

(2.) No change shall be made in the name of a ship without the previous permission of the Board of Trade signified in writing under their seal, or under the hand of one of their secretaries or assistant secretaries. Upon such permission being granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern:

(3.) If in any case it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without such permission as aforesaid, they shall direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly:

(4.) Where a ship having once been registered has ceased to be so registered, no person, unless ignorant of such previous registry (proof whereof shall lie on him), shall apply to register, and no registrar shall knowingly register, such ship, except by the name by which she was previously registered, unless with the permission of the Board of Trade granted as aforesaid.

Every person who acts or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do, anything required by this section, shall for each offence incur a penalty not exceeding one hundred pounds, and any principal officer of customs may detain the ship until the provisions of this section are complied with.

Application for a change of name shall be made in writing to the Board of Trade. If the Board are of opinion that the application is made on reasonable grounds they may entertain the same, and shall thereupon require notice thereof to be published in such form and manner as they think fit. (Merchant Shipping Act, 1871, 34 & 35 Vict. c. 110. s. 6.)

Rules as to names of foreign ships placed on

34 *c*. Where a foreign ship, not having at any previous time been registered as a British ship, becomes a British ship, no person shall apply to register, and no registrar shall knowingly

register such ship, except by the name which she bore as a foreign ship immediately before becoming a British ship, unless with the permission of the Board of Trade granted in manner directed by section six of the Merchant Shipping Act, 1871.

Registry of British Ships.

British register.

Any person who acts or suffers any person under his control to act in contravention of this section shall for each offence incur a penalty not exceeding one hundred pounds. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 5.)

35. Every application for the registry of a ship shall in the case of individuals be made by the person requiring to be registered as owner, or by some one or more of such persons if more than one, or by his or their duly authorised agent, and in the case of bodies corporate by their duly authorised agent; the authority of such agent, if appointed by individuals, to be testified by some writing under the hands of the appointers, and if appointed by a body corporate, by some instrument under the common seal of such body corporate.

Application for registry, by whom to be made.

36. Before registry, the ship shall be surveyed by a person duly appointed under this Act; and such surveyor shall grant a certificate in the form marked A. in the Schedule hereto, specifying her tonnage, build, and such other particulars descriptive of the identity of the ship as may from time to time be required by the Board of Trade; and such certificate shall be delivered to the registrar before registry.

Survey of ship.

Registry of British Ships.

FORM A.
Certificate of Surveyor.

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddles or screw.

Number of decks -		Build - -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head - -	*Kind of.*
Stern - -	*Round, square, or other description.*	Framework -	*Wood or other material.*

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - - -		
Main breadth to outside of Plank - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage dock - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - -	
Poop - - - - - - -	
Roundhouse - - - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - - -	

(a) *Omit this part if she has no steam power.*

(a) *Additional Particulars for Steamers.*	Tons.	
Deduction for space required for propelling power (say whether $\frac{27}{100}$ths or $\frac{33}{100}$ths, or as measured) - -		
	Feet.	Tenths.
Length of engine room (if measured) - - -		
	Number of Engines.	
Engines - - - - - - - -		
	No. of Horses-power.	
Combined power (estimated horse-power) - - -		

Register tonnage (after making deduction for space for propelling power in steamers) (a)	

I, the undersigned, *A.B.* of , having surveyed the above-named ship, hereby certify that the above particulars are true.

(Signed) _____.

Dated at
the day of 18

37. The following rules shall be observed with respect to entries in the register book; (that is to say,)

Rules as to entries in register book.

(1.) The property in a ship shall be divided into sixty-four shares:

(2.) Subject to the provisions with respect to joint owners or owners by transmission herein-after contained, not more than thirty-two individuals shall be entitled to be registered at the same time as owners of any one ship; but this rule shall not affect the beneficial title of any number of persons or of any company represented by or claiming under or through any registered owner or joint owner:

(3.) No person shall be entitled to be registered as owner of any fractional part of a share in a ship; but any number of persons, not exceeding five, may be registered as joint owners of a ship or of a share or shares therein:

(4.) Joint owners shall be considered as constituting one person only as regards the foregoing rule relating to the number of persons entitled to be registered as owners, and shall not be entitled to dispose in severalty of any interest in any ship or in any share or shares therein in respect of which they are registered:

(5.) A body corporate may be registered as owner by its corporate name.

Declaration of ownership by individual owner.

38. No person shall be entitled to be registered as owner of a ship or any share therein until he has made and subscribed a declaration in the Form marked B. in the schedule hereto, referring to the ship as described in the certificate of the surveyor, and containing the following particulars; (that is to say,)

(1.) A statement of his qualification to be an owner of a share in a British ship:

(2.) A statement of the time when and the place where such ship was built, or (if the ship is foreign-built, and the time and place of building not known,) a statement that she is foreign-built, and that he does not know the time or place of her building; and, in addition thereto, in the case of a foreign ship, a statement of her foreign name, or (in the case of a ship condemned) a statement of the time, place, and court at and by which she was condemned:

(3.) A statement of the name of the master:

(4.) A statement of the number of shares in such ship of which he is entitled to be registered as owner:

Registry of British Ships.

(5.) A denial that, to the best of his knowledge and belief, any unqualified person or body of persons is entitled as owner to any legal or beneficial interest in such ship or any share therein:

The above declaration of ownership shall be made and subscribed in the presence of the registrar if the declarant reside within five miles of the custom house of the port of registry, but if beyond that distance in the presence of any registrar or of any justice of the peace.

FORM B.

Declaration of Ownership by individual Owner.

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddle or screw.

Number of decks -		Build -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head -	*Kind of.*
Stern - -	*Round, square, or other description.*	Framework -	*Wood or other material.*

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - - -		
Main breadth to outside of plank - - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - -	
Poop - - - - - - -	
Roundhouse - - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - - -	

(a) *Additional Particulars for Steamers.*	Tons.	
Deduction for space required for propelling power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - -		
	Feet.	Tenths.
Length of engine room (if measured) - - -		
	Number of Engines	
Engines - - - - - - - -		
	No. of Horses-power.	
Combined power (estimated horse-power) - - -		

(a) *Omit this part if she has no steam power.*

Register tonnage (after making deduction for space for propelling power in steamers) (a)	

Registry of British Ships.

I, the undersigned *A.B.*, of in the county of declare as follows:

(1.) I am a natural-born British subject, born at [*naming birth-place*],

and have never taken the oath of allegiance to any foreign state. } *or* { and have since I took the oath of allegiance to a foreign state [*naming state*], and on the day of , taken the oath of allegiance to Her Majesty, and am resident* at [*naming place*], being a place within Her Majesty's dominions.

or

I am

A denizen by letters of denization dated the day of } *or* { naturalized by Act of Parliament of the United Kingdom of [*cite the year of the reign in which the Act was passed, its chapter and title.*] } *or* { naturalized by an Ordinance of the proper legislative authority of [*naming British possession*] [*cite the year in which the Ordinance was passed, its chapter and title.*]

and am resident at [*naming place*], being a place within Her Majesty's dominions.

And I have

since I so became a denizen, } *or* { since the passing of the said Act or Ordinance,

and on the day of taken the oath of allegiance to Her Majesty.

(2.) The ship, the description of which is prefixed to this my declaration,

was built at [*naming the country and place*] on the day of , and her foreign name is [*these words to be added if the ship is foreign.*] } *or* { is foreign-built, and I do not know the time when or the place where she was built, and her foreign name is } *or* { was condemned by the Court of [*naming court*] on the day of at

(3.) *C.D.* of is the master of the said ship.

(4.) I am entitled to be registered as * owner of shares in the said ship.

(5.) To the best of my knowledge and belief, no person or body of persons, other than such persons or bodies of persons as are by The Merchant Shipping Act, 1854, qualified to be owners of British ships, is entitled as owner to any interest whatever, either legal or beneficial, in the said ship.

And I make this solemn declaration conscientiously believing the same to be true.

(Signed)_____

Dated at
the day of 18 .

Made and subscribed by the above-named *A.B.*
in the presence of me

(Signed)_____ [*Name of registrar or justice of the peace acting in and for* .]

* *If the declarant is a natural-born subject, who has taken the oath of allegiance to a foreign state, or a denizen or naturalized subject, and is resident in a country not within Her Majesty's dominions, he must declare in addition that "he "is a member of some "British factory, or "partner in some house "actually carrying on "business in the United "Kingdom or in some "British possession" [naming the house and also the place where it carries on its business].*

* *If the declaration is made by a joint owner add the word "joint" before owner.*

Declaration of ownership by body corporate.

39. No body corporate shall be entitled to be registered as owner of a ship or of any share therein until the secretary or other duly appointed public officer of such body corporate has made and subscribed in the presence of the registrar of the port of registry a declaration in the Form marked C. in the schedule hereto, referring to the ship as described in the certi-

ficate of the surveyor, and containing the following particulars; (that is to say,)

(1.) A statement of such circumstances of the constitution and business of such body corporate as prove it to be qualified to own a British ship:

(2.) A statement of the time when and the place where such ship was built, or (if the ship is foreign built, and the time and place of building unknown,) a statement that she is foreign built, and that he does not know the time or place of her building; and, in addition thereto, in the case of a foreign ship, a statement of her foreign name, or (in the case of a ship condemned) a statement of the time, place, and court at and by which she was condemned:

(3.) A statement of the name of the master:

(4.) A statement of the number of shares in such ship of which such body corporate is owner:

(5.) A denial that, to the best of his knowledge and belief, any unqualified person or body of persons is entitled as owner to any legal or beneficial interest in such ship or any share therein.

Registry of British Ships.

FORM C.

Declaration of Ownership on behalf of a Body Corporate as Owner.

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddle or screw.

Number of decks -		Build - -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head -	*Kind of.*
		Framework -	*Wood or other material.*
Stern - -	*Round, square, or other description.*		

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - - -		
Main breadth to outside of plank - - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - -	
Poop - - - - - - -	
Roundhouse - - - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - - -	

(*) *Additional Particulars for Steamers.*	No. of Tons.
Deduction for space required for propelling power (say whether $\frac{87}{100}$ths or $\frac{88}{100}$ths, or as measured) - -	
	Feet. Tenths.
Length of engine room (if measured) - - - - -	
	Number of Engines.
Engines - - - - - - - - -	
	No. of Horses-power.
Combined power (estimated horse-power) - - -	

Register tonnage (after making deduction for space for propelling power in steamers) (*)	

(*) *Omit this part if she has no steam power.*

I, the undersigned *A.B.*, of in the county of [*secretary*] *or* [*duly appointed public officer*] of the Company, declare as follows: *Registry of British Ships.*

(1.) The said company was incorporated by or by virtue of

an Act of Parliament of the United Kingdom [*cite the year of the reign in which the Act was passed, its chapter and title*]. *or* a charter granted by Her Majesty, and dated the day of *or* an Act or Ordinance of the legislature of [*cite the year in which the Act or Ordinance was passed, its chapter and title.*] *or* the Act 7 & 8 Vict. c. 110. from the day of being the date of the certificate of complete registration.

(2.) The said company is subject to the laws of the United Kingdom *or* of the British possession of and has its principal place of business at

(3.) The ship, the description of which is prefixed to this my declaration, was built at [*naming the country and place*] on the day of and her foreign name is [*these words to be added if the ship is foreign.*] *or* is foreign-built, and I do not know the time when or the place where she was built, and her foreign name is *or* was condemned by the court of [*naming court*] on the day of at.

(4.) *C.D.* of is the master of the said ship.

(5.) The said company is entitled to be registered as owner of shares in the said ship.

(6.) To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by The Merchant Shipping Act, 1854, qualified to be owners of British ships, is entitled as owner to any interest whatever, either legal or beneficial, in the said ship.

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) _____

Dated at
the day of 18 .

Made and subscribed by the above-named *A.B.*,
in the presence of me

(Signed) _____ { [*Name of Registrar.*] }

40. Upon the first registry of a ship, there shall, in addition to the declaration of ownership, be produced the following evidence; (that is to say,) *Evidence to be produced on registry.*

(1.) In the case of a British-built ship, a certificate (which the builder is hereby required to grant under his hand) containing a true account of the proper denomination and of the tonnage of such ship as estimated by him, and of the time when and of the place where such ship was built, together with the name of the party (if any) on whose account he has built the same, and, if any sale or sales have taken place, the bill or bills of sale under which the ship or share therein has become vested in the party requiring to be registered as owner:

(2.) In the case of a foreign-built ship, the same evidence as in the case of a British-built ship, unless the person requiring to be registered as owner, or, in the case

Registry of British Ships.

of a body corporate, the duly appointed officer, declares that the time or place of her building is unknown, or that the builder's certificate cannot be procured, in which case there shall be required only the bill or bills of sale under which the ship or share therein became vested in the party requiring to be registered as owner thereof:

(3.) In the case of a ship condemned by any competent court, an official copy of the condemnation of such ship.

Penalty on builder for false certificate.

41. If any builder wilfully makes a false statement in any certificate hereby required to be granted by him he shall for every such offence incur a penalty not exceeding one hundred pounds.

Particulars of entry in register book.

42. As soon as the foregoing requisites to the due registry of a ship have been complied with, the registrar shall enter in the register book the following particulars relating to such ship; (that is to say,)

(1.) The name of the ship and of the port to which she belongs:

(2.) The details as to her tonnage, build, and description comprised in the certificate herein-before directed to be given by the surveyor:

(3.) The several particulars as to her origin stated in the declaration or declarations of ownership:

(4.) The names and descriptions of her registered owner or owners, and if there is more than one such owner, the proportions in which they are interested in such ship.

No notice taken of trusts.

43. No notice of any trust, express, implied, or constructive, shall be entered in the register book, or receivable by the registrar; and, subject to any rights and powers appearing by the register book to be vested in any other party, the registered owner of any ship or share therein shall have power absolutely to dispose in manner herein-after mentioned of such ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

Equities not excluded by Merchant Shipping Act.

43 *a.* It is hereby declared that the expression "beneficial interest," whenever used in the second part of the principal Act, includes interests arising under contract and other equitable interests; and the intention of the said Act is that, without prejudice to the provisions contained in the said Act for preventing notice of trusts from being entered in the register book or received by the registrar, and without prejudice to the powers of disposition and of giving receipts conferred by the said Act on registered owners and mortgagees, and without prejudice to the provisions contained in the said Act relating to the exclusion of unqualified persons from the

ownership of British ships, equities may be enforced against owners and mortgagees of ships in respect of their interest therein, in the same manner as equities may be enforced against them in respect of any other personal property. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 3.)

Registry of British Ships.

43 *b.* *The High Court of Admiralty shall have jurisdiction over any claim for the building, equipping, or repairing of any ship, if at the time of the institution of the cause the ship or the proceeds thereof are under arrest of the court. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 4.)

As to claims for building, equipping, or repairing of ships.

43 *c.* *The High Court of Admiralty shall have jurisdiction over any claim for necessaries supplied to any ship elsewhere than in the port to which the ship belongs, unless it is shown to the satisfaction of the court that at the time of the institution of the cause any owner or part owner of the ship is domiciled in England or Wales: Provided always, that if in any such cause the plaintiff do not recover twenty pounds he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said court. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 5.)

As to claims for necessaries.

43 *d.* *The High Court of Admiralty shall have jurisdiction to decide all questions arising between the co-owners, or any of them, touching the ownership, possession, employment, and earnings of any ship registered at any port in England or Wales, or any share thereof, and may settle all accounts outstanding and unsettled between the parties in relation thereto, and may direct the said ship or any share thereof to be sold, and may make such order in the premises as to it shall seem fit. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 8.)

High Court of Admiralty to decide questions as to ownership, &c. of ships.

Certificate of Registry.

Certificate of Registry.

44. Upon the completion of the registry of any ship the registrar shall grant a certificate of registry in the Form marked D. in the Schedule hereto, comprising the following particulars; (that is to say,)

Certificate of registry to be granted.

(1.) The name of the ship and of the port to which she belongs:

(2.) The details as to her tonnage, build, and description comprised in the certificate herein-before directed to be given by the surveyor:

(3.) The name of her master:

(4.) The several particulars as to her origin stated in the declaration or declarations of ownership:

(5.) The names and descriptions of her registered owner or owners, and if there is more than one such owner, the proportions in which they are respectively interested, indorsed upon such certificate.

* See similar provisions as to Irish Court of Admiralty in 30 & 31 Vict. c. 114. ss. 30, 31, 32.

Certificate of Registry.

FORM D.

Certificate of Registry.

*No.*_____ *Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddle or screw.

Number of decks -		Build -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head - -	*Kind of.*
Stern - -	*Round, square, or other description.*	Framework -	*Wood or other material.*

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - - -		
Main breadth to outside of plank - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - -	
Poop - - - - - -	
Roundhouse - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - - -	

(*) Omit this part if she has no steam power.

(*) *Additional Particulars for Steamers.*	Tons.
Deduction for space required for propelling power (say whether $\frac{37}{100}$ths or $\frac{39}{100}$ths, or as measured) - -	
	Feet. Tenths.
Length of engine room (if measured) - - -	
	Number of Engines.
Engines - - - -	
	No. of Horses-power.
Combined power (estimated horse-power) - - -	

Register tonnage (after making deduction for space for propelling power in steamers) (*)	

Certificate of Registry.

I, the undersigned *A.B.*, registrar of the port of , hereby certify, that,

(1.) The ship, the description of which is prefixed to this my certificate, has been duly surveyed, and that the above description is true.

(2.) *C.D.* of is the master of the said ship.

(3.) The said ship was built at [*naming the country and place*] on the day of , and her foreign name is [*these words to be added if the ship is foreign.*] *or* is foreign-built, and the time when and the place where she was built is not known, and her foreign name is *or* was condemned by the court of [*naming court*] on the day of at

(4.) The several persons and bodies corporate whose names are hereunder written [*or endorsed*] are owners of the above ship, in the proportions set opposite their respective names.

(Signed) _____ Registrar.

Names of the several Owners above [*or* within] mentioned.	Number of Sixty-fourth Shares held by each Owner.
[*Name.*]	*Thirty-two.*
—	*Sixteen.*
—	*Eight.*
—	*Eight.*

(Signed) _____ Registrar.

Dated at _____
the day of 18 .

Notice.—A certificate of registry granted under The Merchant Shipping Act, 1854, is not a document of title. It does not necessarily contain notice of *all* changes of ownership, and in no case does it contain an official record of any mortgages affecting the ship.

Grant of terminable certificates of registry, subject to conditions, in colonies.

44 *a.* The governor or officer lawfully administering the government of any British possession may from time to time, with the approval of one of Her Majesty's Principal Secretaries of State, make regulations providing that on an application for registration under the Merchant Shipping Act, 1854, in that possession of any ship not exceeding sixty tons burden, the registrar may grant, in lieu of a certificate of registry as required by that Act, a certificate of registry to be terminable at the end of six months from the granting thereof, or of any longer period; and all certificates of registry granted under any such regulations shall be in such form and shall have effect subject to such conditions as the regulations prescribe. (Colonial Shipping Act, 1868, 31 & 32 Vict. c. 129. s. 1.)

Ship to be deemed registered.

44 *b.* Notwithstanding anything in the Merchant Shipping Act, 1854, or in any other Act, any ship to which a certificate is granted under any such regulations shall, while such certificate is in force, and in relation to all things done or omitted during that period, be deemed a registered British ship. (Colonial Shipping Act, 1868, 31 & 32 Vict. c. 129. s. 2.)

Certificate of Registry.

Change of owners to be indorsed on certificate of registry.

45. Whenever any change takes place in the registered ownership of any ship, then if such change occurs at a time when the ship is at her port of registry, the master shall forthwith deliver the certificate of registry to the registrar, and he shall indorse thereon a memorandum of such change; but if such change occurs during the absence of the ship from her port of registry, then upon her first return to such port the master shall deliver the certificate of registry to the registrar, and he shall indorse thereon a like memorandum of the change; or if she previously arrives at any port where there is a British registrar, such registrar shall, upon being advised by the registrar of her port of registry of the change having taken place, indorse a like memorandum thereof on the certificate of registry, and may for that purpose require the certificate to be delivered to him, so that the ship be not thereby detained; and any master who fails to deliver to the registrar the certificate of registry as herein-before required shall incur a penalty not exceeding one hundred pounds.

Change of master to be indorsed on certificate of registry.

46. Whenever the master of any British registered ship is changed, the following persons, that is to say, if such change is made in consequence of the sentence of any naval court, the presiding officer of such court, but if the change takes place from any other cause, the registrar, or if there is no registrar the British consular officer resident at the port where such change takes place, shall indorse on the certificate of registry a memorandum of such change, and subscribe his name to such indorsement, and forthwith report the change of master to the *Commissioners of Customs in London* [Registrar General of Shipping and Seamen]*; and the officers of Customs at any port situate within Her Majesty's dominions may refuse to admit any person to do any act at such port as master of any British ship, unless his name is inserted in or indorsed upon the certificate of registry of such ship as the last appointed master thereof.

Power to grant new certificate.

47. The registrar may, with the sanction of the Commissioners of Customs, upon the delivery up to him of the former certificate of registry, grant a new certificate in the place of the one so delivered up.

Provision in case of loss of certificate.

48. In the event of the certificate of registry of any ship being mislaid, lost, or destroyed, if such event occurs at any port in the United Kingdom, the ship being registered in the United Kingdom, or at any port in any British possession, the ship being registered in the same British possession, then the registrar of her port of registry shall grant a new certificate of registry in lieu of and as a substitute for her original certificate of registry; but if such event occurs elsewhere, the

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 4.

master or some other person having knowledge of the circumstances shall make a declaration before the registrar of any port having a British registrar at which such ship is at the time or first arrives after such mislaying, loss, or destruction; and such declaration shall state the facts of the case, and the names and descriptions of the registered owners of such ship, to the best of the declarant's knowledge and belief; and the registrar shall thereupon grant a provisional certificate as near to the form appointed by this Act as circumstances permit, and shall insert therein a statement of the circumstances under which such provisional certificate is granted.

Certificate of Registry.

49. Every such provisional certificate shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if registered in the United Kingdom, or if registered elsewhere, at her port of discharge in the British possession within which her port of registry is situate, be delivered up to the registrar thereof, who shall thereupon grant a new one, as near to the form appointed by this Act as circumstances permit; and if the master neglects to deliver up such certificate within such time he shall incur a penalty not exceeding fifty pounds.

Provisional certificate to be delivered up.

50. The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatsoever, which any owner, mortgagee, or other person may have or claim to have on or in the ship described in such certificate; and if any person whatever, whether interested or not in the ship, refuses on request to deliver up such certificate when in his possession or under his control to the person for the time being entitled to the custody thereof for the purposes of such lawful navigation as aforesaid, or to any registrar, officer of the customs, or other person legally entitled to require such delivery, it shall be lawful for any justice, by warrant under his hand and seal, or for any court capable of taking cognizance of such matter, to cause the person so refusing to appear before him and to be examined touching such refusal; and unless it is proved to the satisfaction of such justice or court that there was reasonable cause for such refusal the offender shall incur a penalty not exceeding one hundred pounds; but if it is made to appear to such justice or court that the certificate is lost, the party complained of shall be discharged, and such justice or court shall thereupon certify that the certificate of registry is lost.

Custody of certificate.

Delivery of certificate may be required.

Penalty for detention.

51. If the person charged with such detainer or refusal is proved to have absconded, so that the warrant of the justice or process of the court cannot be served upon him, or if he persists in his refusal to deliver the certificate, such justice or court shall certify the fact, and the same proceedings may

Mode of proceeding, if detaining party abscond.

Certificate of Registry.

then be taken as in the case of a certificate of registry mislaid, lost, or destroyed, or as near thereto as circumstances permit.

Penalty for using improper certificate.

52. If the master or owner of any ship uses or attempts to use for the navigation of such ship a certificate of registry not legally granted in respect of such ship, he shall be guilty of a misdemeanor, and it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of customs, or any British consular officer, to seize and detain such ship, and to bring her for adjudication before the High Court of Admiralty in England or Ireland or any court having Admiralty jurisdiction in Her Majesty's dominions; and if such court is of opinion that such use or attempt at use has taken place, it shall pronounce such ship, with her tackle, apparel, and furniture, to be forfeited to Her Majesty, and may award such portion of the proceeds arising from the sale of such ship as it may think just to the officer so bringing in the same for adjudication.

Certificate of ship lost or ceasing to be British to be delivered up.

53. If any registered ship is either actually or constructively lost, taken by the enemy, burnt, or broken up, or if by reason of a transfer to any persons not qualified to be owners of British ships, or of any other matter or thing, any such ship as aforesaid ceases to be a British ship, every person who at the time of the occurrence of any of the aforesaid events owns such ship or any share therein shall, immediately upon obtaining knowledge of any such occurrence, if no notice thereof has already been given to the registrar at the port of registry of such ship, give such notice to him, and he shall make an entry thereof in his register book; and except in cases where the certificate of registry is lost or destroyed, the master of every ship so circumstanced as aforesaid shall immediately, if such event occurs in port, but if the same occurs elsewhere, then within ten days after his arrival in port, deliver the certificate of registry of such ship to the registrar, or, if there be no registrar, to the British consular officer at such port, and such registrar if he is not himself the registrar of her port of registry, or such British consular officer, shall forthwith forward the certificate so delivered to him to the registrar of the port of registry of the ship; and every owner and master who, without reasonable cause, makes default in obeying the provisions of this section shall for each offence incur a penalty not exceeding one hundred pounds.

Restrictions on re-registration of abandoned ships.

53 *a*. Where a ship has ceased to be registered as a British ship by reason of having been wrecked or abandoned, or for any reason other than capture by the enemy or transfer to a person not qualified to own a British ship, such ship shall not be re-registered until she has, at the expense of the applicant for registration, been surveyed by one of the surveyors appointed by the Board of Trade and certified by him to be

seaworthy. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 6.)

Certificate of Registry.

54. If any ship becomes the property of persons qualified to be owners of British ships at any foreign port, the British consular officer resident at such port may grant the master of such ship, upon his application, a provisional certificate, stating—

Provisional certificate for ship becoming vested in British owners at foreign port.

The name of the ship;

The time and place of her purchase, and the names of her purchasers;

The name of her master;

The best particulars as to her tonnage, build, and description that he is able to obtain;

And he shall forward a copy of such certificate, at the first convenient opportunity, to the *Commissioners of Customs in London* [Registrar General of Shipping and Seamen]*. The certificate so granted shall possess the same force as a certificate of registry until the expiration of six months, or until such earlier time as the ship arrives at some port where there is a British registrar; but upon the expiration of such period, or upon arrival at such port, shall be void to all intents.

Transfers and Transmissions.

Transfers and Transmissions.

55. A registered ship or any share therein, when disposed of to persons qualified to be owners of British ships, shall be transferred by bill of sale; and such bill of sale shall contain such description of the ship as is contained in the certificate of the surveyor, or such other description as may be sufficient to identify the ship to the satisfaction of the registrar, and shall be according to the Form marked E. in the Schedule hereto, or as near thereto as circumstances permit, and shall be executed by the transferor in the presence of and be attested by one or more witnesses.

Transfer of ships or shares therein.

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 4.

Transfers and Transmissions.

FORM E.

Bill of Sale.

*No.*_____ *Date of registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddle or screw.

Number of decks -		Build - -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head - -	*Kind of.*
Stern - -	*Round, square, or other description.*	Framework -	*Wood or other material.*

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - - -		
Main breadth to outside of plank - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - -	
Poop - - - - - - - -	
Roundhouse - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - - -	

(*) *Omit this part if she has no steam power.*

(*) *Additional Particulars for Steamers.*	Tons.
Deduction for space required for propelling power (say whether $\frac{87}{100}$ths or $\frac{88}{100}$ths, or as measured) - - -	
	Feet. Tenths.
Length of engine room (if measured) - - -	
	Number of Engines.
Engines - - - - - - -	
	No. of Horses-power.
Combined power (estimated horse-power) - -	

Register tonnage (after making deduction for space for propelling power in steamers) (*)	

I *A.B.* of in the county of , being owner of shares in the ship above particularly described, in consideration of £ paid to me by *C.D.* of in the county of hereby transfer to the said *C.D.* the said shares.

Further I, *A.B.*, for myself and my heirs, covenant with the said *C.D.* and his assigns that I have power to transfer in manner aforesaid the said shares, and that the same are free from incumbrances* *save as appears by the registry of the said ship.*

In witness whereof I have hereunto subscribed my name and affixed my seal, this day of 18 .

(L.S.) (Signed) _____

Executed by the above-named
in the presence of

_____ [*insert description and place of residence.*]

Transfers and Transmissions.

Alter as necessary, if there be more than one owner.

* *Omit, if no incumbrances, the words in italics.*

56. No individual shall be entitled to be registered as transferree of a ship or any share therein until he has made a declaration in the Form marked F. in the Schedule hereto, stating his qualification to be registered as owner of a share in a British ship, and containing a denial similar to the denial herein-before required to be contained in a declaration of ownership by an original owner; and no body corporate shall be entitled to be registered as transferree of a ship or any share therein until the secretary or other duly appointed public officer of such body corporate has made a declaration in the Form marked G. in the Schedule hereto, stating the name of such body corporate, and such circumstances of its constitution and business as may prove it to be qualified to own a British ship, and containing a denial similar to the denial herein-before required to be contained in a declaration of ownership made on behalf of a body corporate: In the case of an individual, the above declaration shall be made, if he reside within five miles of the custom house of the port of registry, in the presence of the registrar, but if beyond that distance in the presence of any registrar or of any justice of the peace; in the case of a body corporate the declaration shall be made in the presence of the registrar of the port of registry.

Declaration to be made by transferree.

Transfers and Transmissions.

FORM F.

Declaration of Ownership by individual Transferree.

No. _____ *Date of registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddle or screw.

Number of decks -		Build - -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head - -	*Kind of.*
Stern - -	*Round, square, or other description.*	Framework -	*Wood or other material.*

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - - -		
Main breadth to outside of plank - - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - -	
Poop - - - - - - -	
Roundhouse - - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - - -	

(*) Omit this part if she has no steam power.

(*) *Additional Particulars for Steamers.*	Tons.
Deduction for space required for propelling power (say whether $\frac{87}{100}$ths or $\frac{88}{100}$ths, or as measured) - -	
	Feet. Tenths.
Length of engine room (if measured) - - -	
	Number of Engines.
Engines - - - - - - -	
	No. of Horses-power.
Combined power (estimated horse-power) - -	

Register tonnage (after making deduction for space for propelling power in steamers) (*)	

I, the undersigned *A.B.*, of in the county of declare as follows:

(1.) I am a natural-born subject of Her Majesty, born at [*naming place of birth*],

and have never taken the oath of allegiance to any foreign state. } *or* { and have since I took the oath of allegiance to a foreign state [*naming state*], and on the day of , taken the oath of allegiance to Her Majesty, and am resident* at [*naming place*], being a place within Her Majesty's dominions.

or

I am

a denizen by letters of denization dated the day of } *or* { naturalized by Act of Parliament of the United Kingdom [*cite the year in which the Act was passed, its chapter and title.*] } *or* { naturalized by an Ordinance of the proper legislative authority of [*naming British possession*] [*cite the year in which the Ordinance was passed, its chapter and title.*]

and am resident at [*naming place*], being a place within Her Majesty's dominions.

And I have

since I so became a denizen, } *or* { since the passing of the said Act or Ordinance,

and on the day of , taken the oath of allegiance to Her Majesty.

* (2.) To the best of my knowledge and belief, no person or body of persons, other than such persons or bodies of persons as are by The Merchant Shipping Act, 1854, qualified to be owners of British ships, is entitled as owner to any interest whatever, either legal or beneficial, in the said ship.

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) _____

Dated at
the day of 18 .

Made and subscribed by the above-named *A.B.*
in the presence of me

(Signed) _____ { *Name of Registrar or Justice of the Peace acting in and for*

* *If the declarant is a natural-born subject, who has taken the oath of allegiance to a foreign state, or a denizen or a naturalized subject, and is resident in a country not within Her Majesty's dominions, he must declare in addition that "he is a member of some "British factory, partner in some house actually carrying on business in the United "Kingdom or in some "British possession" [naming the house and also the place where it carries on its business].*

Transfers and Transmissions.

FORM G.

Declaration of Ownership on behalf of a Body Corporate as Transferree.

*No.*_____ *Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddles or screw.

Number of decks -		Build - -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head - -	*Kind of.*
Stern - -	*Round, square, or other description.*	Framework -	*Wood or other material.*

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - - - -		
Main breadth to outside of plank - - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - - -	
Poop - - - - - -	
Roundhouse - - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - - -	

(a) *Omit this part if she has no steam power.*

(a) *Additional particulars for steamers.*	Tons.	
Deduction for space required for propelling power (say whether $\frac{37}{100}$ths or $\frac{33}{100}$ths, or as measured) - -		
	Feet.	Tenths.
Length of engine room (if measured) - - - - -		
	Number of Engines.	
Engines - - - - - - - - -		
	No. of Horses-power.	
Combined power (estimated horse-power) - - -		

Register tonnage (after making deduction for space for propelling power in steamers) (a)	

I, the undersigned *A B*, of in the county of [*secretary*] or [*duly appointed public officer*], of the Company, declare as follows

(1.) The said company was incorporated by or by virtue of

an Act of Parliament of the United Kingdom [*cite the year in which the Act was passed, its chapter and title*]. *or* a charter granted by Her Majesty, and dated the day of *or* an Act or Ordinance of the Legislature of [*cite year in which the Act or Ordinance was passed, its chapter and title*]. *or* the Act 7 & 8 Vict. c 110 from the day of being the date of the certificate of complete registration

(2.) The said company is subject to the laws

of the United Kingdom, *or* of the British possession of _____,

and has its principal place of business at

(3.) The said company is entitled to be registered as transferree of shares in the said ship.

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) _____

Dated at _____
the day of 18 .

Made and subscribed by the above-named *A B*
in the presence of me
(Signed) _____ [*Name of Registrar.*]

57. Every bill of sale for the transfer of any registered ship, or of any share therein, when duly executed, shall be produced to the registrar of the port at which the ship is registered, together with the declaration herein-before required to be made by a transferee; and the registrar shall thereupon enter in the register book the name of the transferree as owner of the ship or share comprised in such bill of sale, and shall indorse on the bill of sale the fact of such entry having been made, with the date and hour thereof; and all bills of sale of any ship or shares in a ship shall be entered in the register book in the order of their production to the registrar. Registration of transfer.

58. If the property in any ship or in any share therein becomes transmitted in consequence of the death or bankruptcy or insolvency of any registered owner, or in consequence of the marriage of any female registered owner, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration of the person to whom such property has been transmitted, made in the form marked H in the schedule hereto, and containing the several statements herein-before required to be contained in the declaration of a transferree, or as near thereto as circumstances permit, and, in addition, a statement describing the manner in which and the party to whom such property has been transmitted; and such declaration shall be made and subscribed if the declarant resides at or within five miles of the custom house of the port of registry in the presence of the registrar, but if beyond that distance in the presence of any registrar or of any justice of the peace Transmission of shares by death, bankruptcy, or marriage

Transfers and Transmissions.

FORM H.

Declaration by Owner taking by transmission.

*No.*_____ *Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddle or screw.

Number of decks -		Build - -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head - -	*Kind of.*
Stern - -	*Round, square, or other description.*	Framework -	*Wood or other material.*

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - - - -		
Main breadth to outside of plank - - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - - -	
Poop - - - - - - -	
Roundhouse - - - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - - -	

(a) *Omit this part if she has no steam power.*

(a) *Additional particulars for steamers.*	Tons.
Deduction for space required for propelling power (say whether $\frac{87}{100}$ths or $\frac{88}{100}$ths, or as measured) - -	
	Feet. Tenths.
Length of engine room (if measured) - - - - -	
	Number of Engines.
Engines - - - - - - - - - -	
	No. of Horses-power.
Combined power (estimated horse-power) - - -	

Register tonnage (after making deduction for space for propelling power in steamers) (a)	

I, (b) the undersigned *A.B.*, of in the county of declare as follows:

(1.) I am a natural-born subject of Her Majesty, born at [*naming place of birth*]

and have never the oath of allegiance to any foreign state, *

or

and have since I took the oath of allegiance to a foreign state [*naming state*] and on the day of taken the oath of allegiance to Her Majesty, and am resident * at [*naming place*], being a place within Her Majesty's dominions.

or

I am

a denizen by letters of denization dated the day of

or

naturalized by Act of Parliament of the United Kingdom [*cite the year in which the Act was passed, its chapter and title*].

or

naturalized by an Ordinance of the proper legislative authority of [*naming British possession*] [*cite the year in which the Ordinance was passed, its chapter and title*].

and am resident at [*naming place*], being a place within Her Majesty's dominions.

And I have

since I so became a denizen,

or

since the passing of the said Act or Ordinance,

and on the day of , taken the oath of allegiance to Her Majesty.

(2.) I declare that the person appearing by the register book to be the owner of shares in the ship above described† [*died at in the county of having first duly made his will, dated the day of whereby he appointed me executor, and I proved his said will on the day of in the Court of*], or [*died at in the county of on the day of intestate, and that letters of administration of his estate and effects were on the day of duly granted to me by the Court of*].

or

We declare that *C.D.*, the person appearing on the register book to be the owner of shares in the ship above described, was on the day of † [*duly adjudged a bankrupt*], or [*declared insolvent*], and that we were on the day of appointed assignees of the said *C.D.*, and we are by law entitled to be registered as owners of the said shares of the said ship in place of the said *C.D.*

or

I declare that on the day of I intermarried with and am now the husband of *C.D.*, the person appearing on the register book to be the owner of shares in the said ship, and I declare that on such marriage the interest of the said *C.D.* became by law vested in me, and that I am entitled to be registered as owner of the said shares in place of the said *C.D.*

(3.) To the best of my knowledge and belief no person or body of persons other than such persons or bodies of persons as are by The Merchant Shipping Act, 1854, qualified to be owners of British ships, is entitled as owner to any interest whatever, either legal or beneficial, in the said ship.

(b) *Alter accordingly if more than one person makes the declaration.*

* *If the declarant is a natural-born subject, who has taken the oath of allegiance to a foreign state, or a denizen or a naturalized subject, and is resident in a country not within Her Majesty's dominions, he must declare in addition, that "he is a member of some "British factory, partner in some house actually carrying on business in the United "Kingdom or in some "British possession" [naming the house and also the place where it carries on its business].*

† *Alter according to circumstances.*

Transfers and Transmissions

And I make this solemn declaration conscientiously believing the same to be true

(Signed) _____

Dated at
the day of 18

Made and subscribed by the above-named *A B.*
in the presence of me

(Signed) _____ { *Name of registrar or justice of the peace acting in and for*

Proof of transmission by bankruptcy, marriage, will, or on intestacy.

59. If such transmission has taken place by virtue of the bankruptcy or insolvency of any registered owner, the said declaration shall be accompanied by such evidence as may for the time being be receivable in courts of justice as proof of the title of parties claiming under any bankruptcy or insolvency; and if such transmission has taken place by virtue of the marriage of a female owner, the said declaration shall be accompanied by a copy of the register of such marriage or other legal evidence of the celebration thereof, and shall declare the identity of the said female owner; and if such transmission has taken place by virtue of any testamentary instrument or by intestacy, then in England, Wales, and Ireland the said declaration shall be accompanied by the probate of the will or the letters of administration or an official extract therefrom, and in Scotland or in any British possession by the will or any copy thereof that may be evidence by the laws of Scotland or of such possession, or by letters of administration or any copy thereof, or by such other document as may by the laws of Scotland or of such possession be receivable in the courts of judicature thereof as proof of the person entitled upon an intestacy.

Registration of transmitted share.

60. The registrar, upon the receipt of such declaration so accompanied as aforesaid, shall enter the name of the person or persons entitled under such transmission in the register book as owner or owners of the ship or share therein in respect of which such transmission has taken place; and such persons, if more than one, shall, however numerous, be considered as one person only as regards the rule herein-before contained relating to the number of persons entitled to be registered as owners.

Registrar to retain certain evidence.

61. Of the documents hereby required to be produced to the registrar he shall retain in his possession the following; that is to say, the surveyor's certificate, the builder's certificate, the copy of the condemnation, and all declarations of ownership

Unqualified owner entitled by transmission may apply to court for sale of ship

62. Whenever any property in a ship or share in a ship becomes vested by transmission on the death of any owner or on the marriage of any female owner in any person not qualified to be the owner of British ships, it shall be lawful, if such ship is registered in England or Ireland for the Court

of Chancery, if in Scotland for the Court of Session, or if in any British possession for any court possessing the principal civil jurisdiction within such possession, upon an application made by or on behalf of such unqualified person, to order a sale to be made of the property so transmitted, and to direct the proceeds of such sale, after deducting the expenses thereof, to be paid to the person entitled under such transmission, or otherwise as the court may direct; and it shall be in the discretion of any such court as aforesaid to make or refuse any such order for sale, and to annex thereto any terms or conditions, and to require any evidence in support of such application it may think fit, and generally to act in the premises in such manner as the justice of the case requires.

Transfers and Transmissions.

63. Every order for a sale made by such court as aforesaid shall contain a declaration vesting the right to transfer the ship or share so to be sold in some person or persons named by the court, and such nominee or nominees shall thereupon be entitled to transfer such ship or share in the same manner, and to the same extent, as if he or they were the registered owner or owners of the same; and every registrar shall obey the requisition of such nominee or nominees as aforesaid in respect of any transfer to the same extent as he would be compellable to obey the requisition of any registered owner or owners of such ship or share.

Order to be made by court.

64. Every such application as aforesaid for sale shall be made within four weeks after the occurrence of the event on which such transmission has taken place, or within such further time as such court as aforesaid may allow, such time not in any case to exceed the space of one year from the date of such occurrence as aforesaid; and in the event of no such application being made within such period as aforesaid, or of such court refusing to accede thereto, the ship or share so transmitted shall thereupon be forfeited in manner herein-after directed with respect to interests acquired by unqualified owners in ships using a British flag and assuming the British character.

Limit of time for application.

65. It shall be lawful in England or Ireland for the Court of Chancery, in Scotland for the Court of Session, in any British possession for any court possessing the principal civil jurisdiction within such possession, without prejudice to the exercise of any other power such court may possess, upon the summary application of any interested person made either by petition or otherwise, and either ex parte or upon service of notice on any other person, as the court may direct, to issue an order prohibiting for a time to be named in such order any dealing with such ship or share; and it shall be in the discretion of such court to make or refuse any such order, and to annex thereto any terms or conditions it may think

Power of courts to prohibit transfers.

Transfers and Transmissions.

fit, and to discharge such order when granted, with or without costs, and generally to act in the premises in such manner as the justice of the case requires; and every registrar, without being made a party to the proceedings, upon being served with such order or an official copy thereof, shall obey the same.

Sections 62 to 65 of 17 & 18 Vict. c. 104. extended to Court of Admiralty.

65 *a.* *The High Court of Admiralty shall have the same powers over any British ship, or any share therein, as are conferred upon the High Court of Chancery in England by the sixty-second, sixty-third, sixty-fourth, and sixty-fifth sections of "The Merchant Shipping Act, 1854." (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 12.)

Shares in shipping within the Trustee Act, 1850. 18 & 14 Vict. c. 60.

65 *b.* Shares in ships registered under the said Merchant Shipping Act, 1854, shall be deemed to be included in the word "stock," as defined by the Trustee Act, 1850, and the provisions of such last-mentioned Act shall be applicable to such shares accordingly. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 10.)

Mortgages.

Mortgages.

Mortgage of ships and shares therein.

66. A registered ship or any share therein may be made a security for a loan or other valuable consideration; and the instrument creating such security, herein-after termed a "mortgage," shall be in the Form marked I. in the Schedule hereto, or as near thereto as circumstances permit; and on the production of such instrument the registrar of the port at which the ship is registered shall record the same in the register book.

* Same powers conferred on Irish Court of Admiralty by 30 & 31 Vict. c. 114. s. 35.

FORM I.

Form of Mortgage.

*No.*_____ *Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddle or screw.

Number of decks -		Build - -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head - -	*Kind of.*
Stern - -	*Round, square, or other description.*	Framework -	*Wood or other material.*

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - - - -		
Main breadth to outside of plank - - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - -	
Poop - - - - - -	
Roundhouse - - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - - -	

(a) *Additional particulars for steamers.*	Tons.	
Deduction for space required for propelling power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - -		
	Feet.	Tenths.
Length of engine room (if measured) - - -		
	Number of Engines.	
Engines - - - - - - - - - -		
	No. of Horses-power.	
Combined power (estimated horse-power) - - -		

(a) *Omit this part if she has no steam power.*

Register tonnage (after making deduction for space for propelling power in steamers) (a)

Mortgages.

Alter covenant as may be necessary, so as to secure a general balance of accounts or otherwise, as the case may require.

I, the undersigned *A.B.*, of in the county of in consideration of £ this day lent to me by *C.D.* of in the county of do hereby for myself and my heirs covenant with the said *C.D.*, firstly, that I, or my heirs, executors, or administrators, will pay to the said *C.D.* the said sum of £ , together with interest thereon at the rate of £ by the £100 in the year, on the day of next; and, secondly, that if the said principal sum is not paid on the said day, I, or my heirs, executors, or administrators, will, during such time as the same or any part thereof remain unpaid, pay to the said *C.D.* interest on the whole or such part thereof as may for the time being remain unpaid at the rate of £ by the £100 in the year, by equal half-yearly payments, on the day of and day of in every year; and for better securing to the said *C.D.* the repayment in manner aforesaid of the said principal sum and interest I hereby mortgage to the said *C.D.* shares of which I am the owner in the ship above particularly described.

Lastly, I, *A B.*, for myself and my heirs, covenant with the said *C.D.* and his assigns that I have power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from incumbrances * *save as appears by the registry of the said ship.*

* *Omit, if no incumbrances, the words in italics.*

In witness whereof I have hereto subscribed my name and affixed my seal, this day of

(L.S) (Signed)_____

Executed by the above-named *A.B.*
in the presence of *X.Y.*

Mortgages to be registered in order of time of production.

67. Every such mortgage shall be recorded by the registrar in the order of time in which the same is produced to him for that purpose; and the registrar shall, by memorandum under his hand, notify on the instrument of mortgage that the same has been recorded by him, stating the date and hour of such record.

Entry of discharge of mortgage.

68. Whenever any registered mortgage has been discharged, the registrar shall, on the production of the mortgage deed, with a receipt for the mortgage money indorse thereon, duly signed and attested, make an entry in the register book to the effect that such mortgage has been discharged; and upon such entry being made the estate, if any, which passed to the mortgagee, shall vest in the same person or persons in whom the same would, having regard to intervening acts and circumstances, if any, have vested if no such mortgage had ever been made.

Priority of mortgages.

69. If there is more than one mortgage registered of the same ship or share therein, the mortgagees shall, notwithstanding any express, implied, or constructive notice, be entitled in priority one over the other according to the date at which each instrument is recorded in the register books, and not according to the date of each instrument itself.

Mortgagee not to be deemed owner.

70. A mortgagee shall not by reason of his mortgage be deemed to be the owner of a ship or any share therein, nor shall the mortgagor be deemed to have ceased to be owner of such mortgaged ship or share, except in so far as may be necessary for making such ship or share available as a security for the mortgage debt.

Mortgages.

Mortgagee to have power of sale.

71. Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but if there are more persons than one registered as mortgagees of the same ship or share, no subsequent mortgagee shall, except under the order of some court capable of taking cognizance of such matters, sell such ship or share without the concurrence of every prior mortgagee.

Rights of mortgagee not affected by any act of bankruptcy of mortgagor.

72. No registered mortgage of any ship or of any share therein shall be affected by any act of bankruptcy committed by the mortgagor after the date of the record of such mortgage, notwithstanding such mortgagor at the time of his becoming bankrupt may have in his possession and disposition and be reputed owner of such ship or share thereof; and such mortgage shall be preferred to any right, claim, or interest in such ship or any share thereof which may belong to the assignees of such bankrupt.

Transfer of mortgages.

73. A registered mortgage of any ship or share in a ship may be transferred to any person, and the instrument creating such transfer shall be in the Form marked K. in the schedule hereto, and on the production of such instrument the registrar shall enter in the register book the name of the transferree as mortgagee of the ship or shares therein mentioned, and shall by memorandum under his hand record on the instrument of transfer that the same has been recorded by him, stating the date and hour of such record.

FORM K.

Transfer of Mortgage to be endorsed on Original Mortgage.

I, the within mentioned *C.D.*, in consideration of £ this day paid to me by *X Y.* of in the county of hereby transfer to him the benefit of the within written security. In witness whereof I have hereunto subscribed my name and affixed my seal, this the day of

(L.S.) (Signed)_____

Executed by the above-named *C.D.*
in the presence of *E.F.*

Transmission of interest of mortgagee by death, bankruptcy, or marriage.

74. If the interest of any mortgagee in any ship or in any share therein becomes transmitted in consequence of death, bankruptcy, or insolvency, or in consequence of the marriage of any female mortgagee, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration of the person to whom such interest has been transmitted, made in the Form marked L in the schedule hereto, and containing a statement describing the manner in which and the party to

Mortgages.

whom such property has been transmitted; and such declaration shall be made and subscribed, if the declarant resides at or within five miles of the custom house of the port of registry, in the presence of the registrar, but if beyond that distance in the presence of any registrar or of any justice of the peace, and shall be accompanied by such evidence as is herein-before required to authenticate a corresponding transmission of property from one registered owner to another.

FORM L.

Declaration by Mortgagee taking by Transmission.

*No.*_____ *Date of registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddles or screw.

Number of decks -		Build - -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head - -	*Kind of.*
Stern - -	*Round, square, or other description.*	Framework -	*Wood or other material.*

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - - -		
Main breadth to outside of plank - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - -	
Poop - - - - - -	
Roundhouse - - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - - -	

(a) *Additional Particulars for Steamers.*	Tons.	Feet.	Tenths.
Deduction for space required for propelling power (say whether $\frac{17}{100}$ths or $\frac{24}{100}$ths, or as measured) - -			
Length of engine room (if measured) - - -			
Engines - - - - - -	Number of Engines.		
Combined power (estimated horse-power) - -	No. of Horses-power.		

(a) *Omit this part if she has no steam power.*

Register tonnage (after making deduction for space for propelling power in steamers) (a)	

Mortgages.

I, the undersigned *A.B.*, of in the county of declare as follows

I declare that the person appearing by the register book to be the mortgagee of shares in the ship above described* [*died at in the county of having first duly made his will dated the day of whereby he appointed me executor, and I proved his said will on the day of in the Court of*], or [*died at in the county of on the day of intestate, and that letters of administration of his estate and effects were on the day of duly granted to me by the Court of* .]

**Alter according to circumstances.*

or

We declare that *C D*, the person appearing on the register book to be the mortgagee of shares in the ship above described* [*was on the day of duly adjudged a bankrupt*], or [*was duly declared insolvent*], and that we were on the day of appointed assignees of the said *C.D.*, and we are by law entitled to be registered as mortgagees of the said shares of the said ship in place of the said *C.D.*

or

I declare that on the day of I intermarried with and am now the husband of *C.D.*, the person appearing on the register book to be the mortgagee of shares in the said ship, and I declare that on such marriage the interest of the said *C.D.* became by law vested in me, and that I am entitled to be registered as mortgagee of the said shares in place of the said *C D*

And I make this solemn declaration conscientiously believing the same to be true

(Signed)_____

Made and subscribed by the above-named *A.B.*
in the presence of me
(Signed)_____ *Registrar or Justice of the Peace*

Entry of transmitted mortgage.

75. The registrar, upon the receipt of such declaration and the production of such evidence as aforesaid, shall enter the name of the person or persons entitled under such transmission in the register book as mortgagee or mortgagees of the ship or share in respect of which such transmission has taken place.

3 & 4 Vict. c 65. in regard to mortgages extended to Court of Admiralty

75 *a.* *The High Court of Admiralty shall have jurisdiction over any claim in respect of any mortgage duly registered according to the provisions of "The Merchant Shipping Act, 1854," whether the ship or the proceeds thereof be under arrest of the said court or not. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 11.)

Certificates of Mortgage and Sale

Certificates of Mortgage and Sale.

Powers of mortgage and sale may be conferred by certificate

76. Any registered owner, if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered at any place out of the country or possession in which the port of registry of such ship is situate, may apply to the registrar, who shall thereupon enable him to do so by granting such certificates as are herein-after mentioned, to be called respectively certificates of mortgage or certificates of sale, according as they purport to give a power to mortgage or a power to sell

* Same powers conferred on Irish Court of Admiralty by 30 & 31 Vict. c. 114. s. 34.

Certificates of Mortgage and Sale.

Requisites for certificates of mortgage and sale

77. Previously to any certificate of mortgage or sale being granted, the applicant shall state to the registrar, to be by him entered in the register book, the following particulars; (that is to say,)

(1.) The names of the persons by whom the power mentioned in such certificate is to be exercised, and in the case of a mortgage the maximum amount of charge to be created, if it is intended to fix any such maximum, and in the case of a sale the minimum price at which a sale is to be made, if it is intended to fix any such minimum:

(2.) The specific place or places where such power is to be exercised, or if no place be specified then that it may be exercised anywhere, subject to the provisions herein-after contained:

(3.) The limit of time within which such power may be exercised.

Restrictions on certificates of mortgage and sale.

78. No certificate of mortgage or sale shall be granted so as to authorise any mortgage or sale to be made—

At any place within the United Kingdom, if the port of registry of the ship be situate in the United Kingdom; or at any place within the same British possession, if the port of registry is situate within a British possession; or

By any person not named in the certificate.

Forms of certificates of mortgage and sale.

79. Certificates of mortgage and sale shall be in the Forms marked respectively M. and N. in the schedule hereto, and shall contain a statement of the several particulars herein-before directed to be entered in the register book, and in addition thereto an enumeration of any registered mortgages or certificates of mortgage or sale affecting the ships or shares in respect of which such certificates are given

Certificates of Mortgage and Sale.

FORM M.

Certificate of Mortgage.

*No.*_____ *Date of registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddles or screw.

Number of decks -		Build - -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head - -	*Kind of.*
Stern - -	*Round, square, or other description.*	Framework -	*Wood or other material.*

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - - -		
Main breadth to outside of plank - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - -	
Poop - - - - - -	
Roundhouse - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - - -	

(a) *Additional Particulars for Steamers.*	Tons.
Deduction for space required for propelling power (say whether $\frac{21}{100}$ths or $\frac{33}{100}$ths, or as measured) - -	
	Feet. Tenths.
Length of engine room (if measured) - - -	
	Number of Engines.
Engines - - - - - - -	
	No. of Horses-power.
Combined power (estimated horses-power) -	

(a) *Omit this part if she has no steam power.*

Register tonnage (after making deduction for space for propelling power in steamers) (a)	

Certificates of Mortgage and Sale.

ACCOUNT OF TITLE OF SUBSCRIBING OWNERS.		
Names of the several subscribing Owners.	Number of Sixty-fourth Shares held by each of the subscribing Owners.	Account of Mortgages or Certificates of Mortgage or Sale granted in respect of Shares of subscribing Owners.
(*Name and description of owner.*)		

(1.) We, the several above-mentioned persons, whose names are hereunto subscribed, being owners of the above ship in the proportions set opposite our respective names in the above account of title, (*but subject to the several mortgages above mentioned,*) hereby appoint *A.B.* of and *C.D.* of and each of them, our attornies and attorney jointly or severally in our names and on our behalf to mortgage our shares in the above ship, and to execute and do all such deeds, matters, and things as may be necessary for carrying into effect the power hereby given.

Alter accordingly if there is only one appointor or one attorney.

(2.) We declare that the amount of money to be raised by mortgage under this power shall not exceed £ and that the rate of interest at which the same is raised shall not exceed £ for every £100 by the year.

(3.) We declare that the power of mortgaging hereby given may be exercised at

(4.) We declare that the above power shall not be exercised after the expiration of months from the date hereof.

In witness whereof we have hereunto subscribed our names and affixed our seals, this day of

(L.S.) *E.F.* of
(L.S.) *G.H.* of
&c.

I, *M.N.*, Registrar of hereby certify, that the above-written particulars relating to the ship _____, and to the title of the several above-mentioned owners, are correct; and I further certify, that the said owners have executed this certificate in manner above appearing.

Signed _____ Registrar.

N.B.—Mortgages created under this power must be endorsed on the certificate in the following form or as near thereto as circumstances permit:

The day of

*The within-mentioned shares in the ship _____ were this day mortgaged to X.Y. of _____, to secure *£ _____ and interest.*

Signed _____ } Registrar or Consular Officer.

**If the mortgage is to cover advances insert "a sum not exceeding £ " or "general balance of account," as case may be.*

Certificates of Mortgage and Sale.

N.B. All the owners of the ship must be parties to this document.

FORM N.

Certificate of Sale.

No. _____ *Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddles or screw.

Number of decks -		Build - -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head - -	*Kind of.*
		Framework -	*Wood or other material.*
Stern - -	*Round, square, or other description.*		

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - -		
Main breadth to outside of plank - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - -	
Poop - - - - -	
Roundhouse - - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - -	

(*) *Additional Particulars for Steamers.*	Tons.
Deduction for space required for propelling power (say whether $\frac{27}{100}$ths or $\frac{28}{100}$ths, or as measured) - -	
	Feet. Tenths.
Length of engine room (if measured) - - -	
	Number of Engines.
Engines - - - -	
	No. of Horses-power.
Combined power (estimated horse-power) - -	

Register tonnage (after making deduction for space for propelling power in steamers) (*)	

(*) *Omit this part if she has no steam power.*

Certificates of Mortgage and Sale.

ACCOUNT OF TITLE TO THE ABOVE-MENTIONED SHIP.		
Names of the Owners of the Ship above mentioned.	Number of Sixty-fourth Shares held by each Owner.	Account of Mortgages or Certificates of Mortgage or Sale granted in respect of Ship.
(*Name.*)		

Alter accordingly if only one appointor or one attorney.

(1.) We, the several above-mentioned persons, whose names are hereunto subscribed, being owners of the above ship, in the proportions set opposite our respective names in the above-mentioned account of title, (*but subject to the several mortgages above mentioned,*) hereby appoint *A.B.* of , and *C.D.* of , and each of them, our attornies and attorney jointly or severally in our names and on our behalf to sell the above ship, and to execute and do all such deeds, matters, and things as may be necessary for carrying into effect the power hereby given.

(2.) We declare that the ship shall not be sold for a less sum than £

(3.) We declare that the ship may be sold at

(4.) We declare that the above power shall not be exercised after the expiration of months from the date hereof.

In witness whereof we have hereunto subscribed our names and affixed our seals, this day of .

(L.S.) *E.F.* of
(L.S.) *G.H.* of
&c.

I, *M.N.*, Registrar of , hereby certify, that the above-written particulars relating to the ship and to the title of the several above-mentioned owners are correct; and I further certify that the said owners have executed this certificate in manner above appearing.

Signed_____Registrar.

Rules as to certificates of mortgage.

80. The following rules shall be observed as to certificates of mortgage; (that is to say,)

(1.) The power shall be exercised in conformity with the directions contained in the certificate:

(2.) A record of every mortgage made thereunder shall be indorsed thereon by a registrar or British consular officer:

(3.) No mortgage bonâ fide made thereunder shall be impeached by reason of the person by whom the power was given dying before the making of such mortgage:

(4.) Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, no mortgage bonâ fide made to a mortgagee without notice shall be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given:

Certificates of Mortgage and Sale.

(5.) Every mortgage which is so registered as aforesaid on the certificates shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book; and if there be more mortgages than one so indorsed the respective mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive notice, be entitled one before the other according to the date at which a record of each instrument is indorsed on the certificate, and not according to the date of the instrument creating the mortgage:

(6.) Subject to the foregoing rules every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers and be subject to the same liabilities as he would have had and been subject to if his mortgage had been registered in the register book instead of on the certificate:

(7.) The discharge of any mortgage so registered on the certificate may be indorsed thereon by any registrar or British consular officer, upon the production of such evidence as is hereby required to be produced to the registrar on the entry of the discharge of a mortgage in the register book; and upon such indorsement being made, the estate, if any, which passed to the mortgagee shall vest in the same person or persons in whom the same would, having regard to intervening acts and circumstances, if any, have vested if no such mortgage had been made:

(8.) Upon the delivery of any certificate of mortgage to the registrar by whom it was granted he shall, after recording in the register book in such manner as to preserve its priority any unsatisfied mortgage registered thereon, cancel such certificate, and enter the fact of such cancellation in the register book; and every certificate so cancelled shall be void to all intents.

Rules as to certificates of sale.

81. The following rules shall be observed as to certificates of sale; (that is to say,)

(1.) No such certificate shall be granted except for the sale of an entire ship:

(2.) The power shall be exercised in conformity with the directions contained in the certificate:

(3.) No sale bonâ fide made to a purchaser for valuable consideration shall be impeached by reason of the person by whom the power was given dying before the making of such sale:

(4.) Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is

Certificates of Mortgage and Sale.

to be exercised, no sale bonâ fide made to a purchaser for valuable consideration without notice shall be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given:

(5.) Any transfer made to a person qualified to be the owner of British ships shall be by bill of sale in the form herein-before mentioned, or as near thereto as circumstances permit:

(6.) If the ship is sold to a party qualified to hold British ships, the ship shall be registered anew; but notice of all mortgages enumerated on the certificate of sale shall be entered in the register book:

(7.) Previously to such registry anew there shall be produced to the registrar required to make the same the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry of such ship:

(8.) Such last-mentioned registrar shall retain the certificates of sale and registry, and after having indorsed on both of such instruments an entry of the fact of a sale having taken place, shall forward the said certificates to the registrar of the port appearing on such certificates to be the former port of registry of the ship, and such last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in such book shall be considered as closed, except as far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein:

(9.) On such registry anew the description of the ship contained in her original certificate of registry may be transferred to the new register book, without her being re-surveyed, and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferree:

(10.) If the ship is sold to a party not qualified to be the owner of a British ship, the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry shall be produced to some registrar or consular officer, who shall retain the certificates of sale and registry, and, having indorsed thereon the fact of such ship having been sold to persons not qualified to be owners of British ships, shall forward such certificates to the registrar of the port appearing on the certificate of registry to be the port of registry of such ship; and such last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in such book shall be considered as closed, except so far as relates to any unsatisfied

Certificates of Mortgage and Sale.

mortgages or existing certificates of mortgage entered therein:

(11.) If upon a sale being made to an unqualified person default is made in the production of such certificates as are mentioned in the last rule, such unqualified person shall be considered by British law as having acquired no title to or interest in the ship; and further, the party upon whose application such certificate was granted, and the persons exercising the power, shall each incur a penalty not exceeding one hundred pounds:

(12.) If no sale is made in conformity with the certificate of sale, such certificate shall be delivered to the registrar by whom the same was granted; and such registrar shall thereupon cancel it, and enter the fact of such cancellation in the register book; and every certificate so cancelled shall be void to all intents.

Power of Commissioners of Customs in case of loss of certificate of mortgage or sale.

82. Upon proof at any time to the satisfaction of the Commissioners of Customs that any certificate of mortgage or sale is lost or so obliterated as to be useless, and that the powers thereby given have never been exercised, or if they have been exercised then upon proof of the several matters and things that have been done thereunder, it shall be lawful for the registrar, with the sanction of the said Commissioners, as circumstances may require, either to issue a new certificate, or to direct such entries to be made in the register book, or such other matter or thing to be done as might have been made or done if no such loss or obliteration had taken place.

Revocation of certificates of mortgage and sale.

83. The registered owner for the time being of any ship or share therein in respect of which a certificate of mortgage or sale has been granted, specifying the place or places where the power thereby given is to be exercised, may, by an instrument under his hand made in the Form O. in the schedule hereto, or as near thereto as circumstances permit, authorise the registrar by whom such certificate was granted to give notice to the registrar or consular officer, registrars or consular officers, at such place or places, that such certificate is revoked; and notice shall be given accordingly; and all registrars or consular officers receiving such notice shall record the same, and shall exhibit the same to all persons who may apply to them for the purpose of effecting or obtaining a mortgage or transfer under the said certificate of mortgage or sale; and after such notice has been so recorded the said certificate shall, so far as concerns any mortgage or sale to be thereafter made at such place, be deemed to be revoked and of no effect; and every registrar or consular officer recording any such notice shall thereupon state to the registrar by whom the certificate was granted, whether any previous exercise of the power to which such certificate refers has taken place.

FORM O.

Form of Revocation.

*No.*_____ *Date of Registry.*

Name of Ship.	British or Foreign Built.	Port of Registry.	How propelled.
			By steam or sails, and if by steam, whether by paddles or screw.

Number of decks -		Build - -	*Carvel or clincher.*
Number of masts -		Gallery -	*Description of.*
Rigging - -	*Nature of, and whether standing or running bowsprit.*	Head - -	*Kind of.*
		Framework -	*Wood or other material.*
Stern - -	*Round, square, or other description.*		

Measurements.	Feet.	Tenths.
Length from the forepart of stem under the bowsprit to the aftside of the head of the sternpost - -		
Main breadth to outside of plank - - -		
Depth in hold from tonnage deck to ceiling at midships -		

Tonnage.	No. of Tons.
Tonnage under tonnage deck - - - -	
Closed-in spaces above the tonnage deck, if any; viz.	
Space or spaces between decks - - -	
Poop - - - - -	
Roundhouse - - - - - -	
Other inclosed spaces, if any, naming them - -	
Total - -	

(a) *Additional Particulars for Steamers.*	Tons.	
Deduction for space required for propelling power (say whether $\frac{37}{100}$ths or $\frac{32}{100}$ths, or as measured) - -		
	Feet.	Tenths.
Length of engine room (if measured) - -		
	Number of Engines.	
Engines - - - - -		
	No. of Horses-power.	
Combined power (estimated horses-power) - -		

Register tonnage (after making deduction for space for propelling power in steamers), (a)

(a) *Omit this part if she has no steam power.*

Certificates of Mortgage and Sale.

We (a) *owners* of the ship above described, hereby revoke the power of mortgaging (or selling) the said ship given *by us* to (b) by a certificate of mortgage (or sale) dated the day of

(a) *Alter according to circumstances the words printed in italics*

(b) *Insert names of attorneys.*

In witness whereof, we have hereunto subscribed our names and affixed our seals, this day of

(L.S.) *E F.* of

(L.S.) *G H.* of

&c.

I, *M N.*, Registrar of , hereby certify, that the said *owners* have executed this power of revocation in manner above appearing.

(Signed)_____ Registrar.

Registry anew, and Transfer of Registry.

Registry anew, and Transfer of Registry.

Alteration in ship to be registered.

84. Whenever any registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, then, if such alteration is made at a port where there is a registrar, the registrar of such port, but if made elsewhere, the registrar of the first port having a registrar at which the ship arrives after her alteration, shall, on application made to him, and on the receipt of a certificate from the proper surveyor specifying the nature of such alteration, either retain the old certificate of registry, and grant a new certificate of registry containing a description of the ship as altered, or indorse on the existing certificate a memorandum of such alteration, and subscribe his name to such indorsement; and the registrar to whom such application as aforesaid is made, if he is the registrar of the port of registry of the ship, shall himself enter in his register book the particulars of the alteration so made, and the fact of such new certificate having been granted or indorsement having been made on the existing certificate, but if he is not such last-mentioned registrar, he shall forthwith report such particulars and facts as aforesaid, accompanied by the old certificate of registry in cases where a new one has been granted, to the registrar of the port of registry of the ship, who shall retain such old certificate (if any) and enter such particulars and facts in his register book accordingly.

On alteration registry anew may be required.

85. When the registrar to whom application is made in respect of any such alteration as aforesaid is the registrar of the port of registry, he may, if he thinks fit, instead of registering such alteration, require such ship to be registered anew in manner herein-before directed on the first registry of a ship, and if he is not such registrar as lastly herein-before mentioned he may nevertheless require such ship to be registered anew, but he shall in such last-mentioned case grant a provisional certificate, or make a provisional indorsement of the alteration made in manner herein-before directed; in cases where no registry anew is required, taking care to add to such certificate or indorsement a statement that the same is made

provisionally, and to insert in his report to the registrar of the port of registry of the ship a like statement.

Grant of provisional certificate in respect of alteration.

86. Every such provisional certificate, or certificate provisionally indorsed, shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if registered in the United Kingdom, or, if registered elsewhere, at her port of discharge in the British possession within which her port of registry is situate, be delivered up to the registrar thereof, who shall thereupon cause such ship to be registered anew in the same manner in all respects as herein-before required on the first registry of any ship.

Consequence of omission to register anew.

87. On failure of such registry anew of any ship or registry of alteration of any ship so altered as aforesaid, such ship shall be deemed not duly registered, and shall no longer be recognised as a British ship.

On change of owners, registry anew may be granted, if required.

88. If upon any change of ownership in any ship the owner or owners desire to have such ship registered anew, although such registry anew is not required by this Act, it shall be lawful for the registrar of the port at which such ship is already registered, on the delivery up to him of the existing certificate of registry, and on the other requisites to registry, or such of them as the registrar thinks material, being duly complied with, to make such registry anew and grant a certificate thereof.

Registry may be transferred from port to port.

89. The registry of any ship may be transferred from one port to another, upon the application of all parties appearing on the register to be interested in such ship, whether as owners or mortgagees, such application to be expressed by a declaration in writing made and subscribed, if the party so required to make and subscribe the same resides at or within five miles of the custom house of the port from which such ship is to be transferred, in the presence of the registrar of such port, but if beyond that distance in the presence of any registrar or of any justice of the peace.

Manner of transfer of registry.

90. Upon such application being made as is herein-before mentioned, and upon the delivery to him of the certificate of registry, the registrar of the port at which such ship is already registered shall transmit to the registrar of the port at which such ship is intended to be registered notice of such application having been made to him, together with a true copy of all particulars relating to such ship, and the names of all the parties appearing by his book to be interested as owners or mortgagees in such ship; and such last-mentioned registrar shall, upon the receipt of such notice, enter all such particulars and names in his book of registry, and grant a fresh certificate of registry, and thenceforth such ship shall be considered as registered at and belonging to such last-

Registry anew, and Transfer of Registry.

mentioned port, and the name of such last-mentioned port shall be substituted on the stern of such ship in lieu of the name of the port previously appearing thereon.

Delivery of certificate upon transfer of registry.

90 *a.* Upon the transfer of the registry of a ship from one port to another, the certificate of registry required by the ninetieth section of the Merchant Shipping Act, 1854, to be delivered up for that purpose, may be delivered up to the registrar of either of such ports. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 12.)

Transfer of registry not to affect rights of owners.

91. The transfer of the registry of any ship in manner aforesaid shall not in any way affect the rights of the several persons interested either as owners or mortgagees in such ship, but such rights shall in all respects be maintained and continue in the same manner as if no such transfer had been effected.

Registry, Miscellaneous.

Registry, Miscellaneous.

Inspection of register books.

92. Every person may, upon payment of a fee to be fixed by the *Commissioners of Customs* [Registrar General of Shipping and Seamen*] not exceeding one shilling, have access to the register book for the purpose of inspection at any reasonable time during the hours of official attendance of the registrar.

Indemnity to registrar.

93. No registrar shall be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default made by him in his character of registrar, unless the same has happened through his neglect or wilful act.

Return to be made by registrars to Commissioners of Customs.

94. Every registrar in the United Kingdom shall at the expiration of every month, and every other registrar shall without delay, or at such stated times as may be fixed by the *Commissioners of Customs* [Registrar General of Shipping and Seamen*], transmit to the *Custom House in London* [Registrar General of Shipping and Seamen*] a full return in such form as *they* [he] may direct of all registries, transfers, transmissions, mortgages, and other dealings with ships which have been registered by or communicated to them in their character of registrars, and the names of the persons who have been concerned in the same, and such other particulars as may be directed by the said *Commissioners* [Registrar].

Application of fees.

95. All fees authorised to be taken under the second part of this Act shall, if taken in any part of the United Kingdom, be applied in payment of the general expenses of carrying into effect the purposes of such second part, or otherwise as the Treasury may direct, but if taken elsewhere shall be

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 4. By the Act the title of the Registrar General of Seamen is altered to the Registrar General of Shipping and Seamen.

disposed of in such way as the executive government of the British possession in which they are taken may direct.

Commissioners of Customs to provide, and with consent of Board of Trade may alter forms and issue instructions.

96. The Commissioners of Customs shall cause the several forms required or authorised to be used by the second part of this Act, and contained in the schedule hereto, to be supplied to all registrars within Her Majesty's dominions for distribution to the several persons requiring to use the same, either free of charge, or at such moderate prices as they may from time to time direct, and the said Commissioners, with the consent of the Board of Trade, may from time to time make such alterations in the forms contained in the schedule hereto as it may deem requisite, but shall, before issuing any altered form, give such public notice thereof as may be necessary in order to prevent inconvenience; and the said Commissioners may also, with such consent as aforesaid, for the purposes of carrying into effect the provisions contained in the second part of this Act, give such instructions as to the manner of making entries in the register book, as to the execution and attestation of powers of attorney, as to any evidence to be required for identifying any person, and generally as to any act or thing to be done in pursuance of the second part of this Act, as they may think fit.

Forms of instruments.

96 *a*. In any case in which any bill of sale, mortgage, or other instrument for the disposal or transfer of any ship or any share or shares therein or of any interest therein is made in any form or contains any particulars other than the form and particulars prescribed and approved for the purpose by or in pursuance of the Merchant Shipping Act, 1854, no registrar shall be required to record the same without the express direction of the Commissioners of Her Majesty's Customs. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 11.)

Power to registrar to dispense with declarations and other evidence.

97. Whenever in any case in which under the second part of this Act any person is required to make a declaration on behalf of himself or of any body corporate, or any evidence is required to be produced to the registrar, it is shown to the satisfaction of the registrar that from any reasonable cause such person is unable to make the declaration, or that such evidence cannot be produced, it shall be lawful for the registrar, with the sanction of the Commissioners of Customs, and upon the production of such other evidence, and subject to such terms as they may think fit, to dispense with any such declaration or evidence.

Power for Commissioners or governor in

98. In cases where it appears to the Commissioners of Customs, or to the governor or other person administering the government of any British possession, that by reason of special

Registry, Miscellaneous.

special cases to grant a pass to a ship not registered.

circumstances it would be desirable that permission should be granted to any British ship to pass, without being previously registered, from one port or place in Her Majesty's dominions to any other port or place within the same, it shall be lawful for such Commissioners or governor or other person to grant a pass accordingly, and such pass shall for the time and within the limits therein mentioned have the same effect as a certificate of registry.

Provision for cases of infancy or other incapacity.

99. If any person interested in any ship or any share therein is, by reason of infancy, lunacy, or other inability, incapable of making any declaration or doing any thing required or permitted by this Act to be made or done by such incapable person in respect of registry, then the guardian or committee, if any, of such incapable person, or, if there be none, any person appointed by any court or judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person; and all acts done by such substitute shall be as effectual as if done by the person for whom he is substituted.

Liabilities of owners.

100. Whenever any person is beneficially interested, otherwise than by way of mortgage, in any ship or share therein registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this or by any other Act on owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such pecuniary penalties against both or either of the aforesaid parties with or without joining the other of them.

Forgery.

Forgery.

Punishment for forgery.

101. Any person who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any register book, certificate of surveyor, certificate of registry, declaration of ownership, bill of sale, instrument of mortgage, certificate of mortgage or sale, or any entry or indorsement required by the second part of this Act to be made in or on any of the above documents, shall for every such offence be deemed to be guilty of felony.

National Character.

National Character.

102. No officer of customs shall grant a clearance or transire for any ship until the master of such ship has declared to such officer the name of the nation to which he claims that she belongs, and such officer shall thereupon inscribe such name on the clearance or transire; and if any ship attempts to proceed to sea without such clearance or transire, any such officer may detain her until such declaration is made.

National character of ship to be declared before clearance.

103. The offences herein-after mentioned shall be punishable as follows; (that is to say,)

Penalties:

(1.) If any person uses the British flag and assumes the British national character on board any ship owned in whole or in part by any persons not entitled by law to own British ships, for the purpose of making such ship appear to be a British ship, such ship shall be forfeited to Her Majesty, unless such assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in exercise of some belligerent right; and in any proceeding for enforcing any such forfeiture the burden of proving a title to use the British flag and assume the British national character shall lie upon the person using and assuming the same:

For unduly assuming a British character.

(2.) If the master or owner of any British ship does or permits to be done any matter or thing, or carries or permits to be carried any papers or documents, with intent to conceal the British character of such ship from any person entitled by British law to inquire into the same, or to assume a foreign character, or with intent to deceive any such person as lastly herein-before mentioned, such ship shall be forfeited to Her Majesty; and the master, if he commits or is privy to the commission of the offence, shall be guilty of a misdemeanor:

For concealment of British or assumption of foreign character.

(3.) If any unqualified person, except in the case of such transmitted interests as are herein-before mentioned, acquires as owner any interest, either legal or beneficial, in a ship using a British flag and assuming the British character, such interest shall be forfeited to Her Majesty:

For acquiring ownership if unqualified.

(4.) If any person, on behalf of himself or any other person or body of persons, wilfully makes a false declaration touching the qualification of himself or such other person or body of persons to own British ships or any shares therein, the declarant shall be guilty of a misdemeanor; and the ship or share in respect of

For false declaration of ownership.

National Character.

which such declaration is made, if the same has not been forfeited under the foregoing provision, shall, to the extent of the interest therein of the person making the declaration, and, unless it is shown that he had no authority to make the same, of the parties on behalf of whom such declaration is made, be forfeited to Her Majesty:

And in order that the above provisions as to forfeitures may be carried into effect, it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of customs, or any British consular officer, to seize and detain any ship which has, either wholly or as to any share therein, become subject to forfeiture as aforesaid, and to bring her for adjudication before the High Court of Admiralty in England or Ireland, or any court having Admiralty jurisdiction in Her Majesty's dominions; and such court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.

False declaration of ownership made a misdemeanor.

103 *a.* Any person who, in any declaration made in the presence of or produced to any registrar of shipping, in pursuance of the second part of the Merchant Shipping Act, 1854, or in any documents or other evidence produced to such registrar, wilfully makes, or assists in making or procures to be made, any false statement concerning the title to or the ownership of or the interests existing in any ship, or any share or shares in any ship, or who utters, produces, or makes use of any declaration or document containing any such false statement, knowing the same to be false, shall be guilty of a misdemeanor. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 9.)

Officer not liable for any seizure made on reasonable grounds.

104. No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the judge or court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown, such judge or court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as it thinks just.

Penalty for carrying improper colours.

105. If any colours usually worn by Her Majesty's ships, or any colours resembling those of Her Majesty, or any distinctive national colours, except the red ensign usually worn

National Character.

by merchant ships, or except the Union Jack with a white border, or if the pendant usually carried by Her Majesty's ships, or any pendant in anywise resembling such pendant, are or is hoisted on board any ship or boat belonging to any subject of Her Majesty, without warrant for so doing from Her Majesty or from the Admiralty, the master of such ship or boat, or the owner thereof, if on board the same, and every other person hoisting or joining or assisting in hoisting the same, shall for every such offence incur a penalty not exceeding five hundred pounds; and it shall be lawful for any officer on full pay in the military or naval service of Her Majesty, or any British officer of the customs, or any British consular officer, to board any such ship or boat, and to take away any such jack, colours, or pendant; and such jack, colours, or pendant shall be forfeited to Her Majesty.

Effect of declaration in the Act that a ship shall not be recognised as a British ship.

106. Whenever it is declared by this Act that a ship belonging to any person or body corporate qualified according to this Act to be owners of British ships shall not be recognised as a British ship, such ship shall not be entitled to any benefits, privileges, advantages, or protection usually enjoyed by British ships, and shall not be entitled to use the British flag or assume the British national character; but, so far as regards the payment of dues, the liability to pains and penalties, and the punishment of offences committed on board such ship or by any persons belonging to her, such ship shall be dealt with in the same manner in all respects as if she were a recognised British ship.

Evidence.

Evidence.

Copies of registers and declarations to be admissible in evidence, and to be primâ facie proof of certain things

107. Every register of or declaration made in pursuance of the second part of this Act in respect of any British ship may be proved in any court of justice, or before any person having by law or by consent of parties authority to receive evidence, either by the production of the original or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the registrar or other person having the charge of the original; which certified copies he is hereby required to furnish to any person applying at a reasonable time for the same, upon payment of one shilling for each such certified copy; and every such register or copy of a register, and also every certificate of registry of any British ship, purporting to be signed by the registrar or other proper officer, shall be received in evidence in any court of justice or before any person having by law or by consent of parties authority to receive evidence as primâ facie proof of all the matters contained or recited in such register when the register or such copy is produced, and of all the matters contained in or indorsed on such certificate of registry, and purporting to be authenti-

Evidence.

cated by the signature of a registrar when such certificate is produced.

General register books in London.

107 *a.* The copy or transcript of the register of any British ship which is kept by the chief registrar of shipping at the Custom House in London, or by the Registrar General of Seamen, under the direction of Her Majesty's Commissioners of Customs or of the Board of Trade, shall have the same effect to all intents and purposes as the original register of which the same is a copy or transcript. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 15.)

Saving Clause.

Saving Clause.

Saving of 3 & 4 Vict. c. 56 relating to East Indian ships.

108. Nothing in this Act contained shall repeal or affect an Act passed in the session of Parliament holden in the third and fourth years of the reign of Her present Majesty, chapter fifty-six, intituled "An Act further to regulate the "trade of ships built and trading within the limits of the "East India Company's Charter."

PART III.

MASTERS AND SEAMEN.

Application.

Application.

109. The various provisions of the third part of this Act shall have the following applications, unless the context or subject matter requires a different application; (that is to say,)

Application of Part III. of Act.

So much of the third part of this Act as relates to the delivery or transmission of lists of crews to the Registrar General of Seamen shall apply to all fishing vessels belonging to the United Kingdom, whether employed exclusively on the coasts of the United Kingdom or not; to all ships belonging to the Trinity House, or the Commissioners of Northern Lighthouses, constituted as herein-after mentioned, or the Port of Dublin Corporation, and to all pleasure yachts, and to the owners, masters, and crews of such ships:

Returns for certain ships belonging to the United Kingdom.

So much of the third part of this Act as relates to the delivery and transmission of lists of crews, and to the wages and effects of deceased seamen and apprentices, shall apply to all sea-going British ships, wherever registered, of which the crews are discharged, or whose final port of destination is in the United Kingdom, and to the owners, masters, and crews of such ships:

Returns and wages of deceased seamen in certain colonial ships.

So much of the third part of this Act as relates to the shipping and discharge of seamen in the United Kingdom shall apply to all sea-going British ships, wherever registered, and to the owners, masters, and crews of such ships:

Shipping and discharging men in the United Kingdom.

So much of the third part of this Act as relates to seamen volunteering into the royal navy shall apply to all sea-going British ships wherever registered, and to the owners, masters, and crews of such ships, wherever the same may be:

Volunteering into the navy.

So much of the third part of this Act as relates to rights to wages, and remedies for the recovery thereof; to the shipping and discharge of seamen in foreign ports; to leaving seamen abroad, and to the relief of seamen in distress in foreign ports; to the provisions, health, and accommodation of seamen; to the power of seamen to make complaints; to the protection of seamen from imposition; to discipline; to naval courts on the high seas and abroad; and to crimes committed abroad, shall apply to all ships registered in any of Her Majesty's dominions abroad,

Provisions applicable to colonial ships.

Application.

when such ships are out of the jurisdiction of their respective governments, and to the owners, masters, and crews of such ships:

As to whole of Part III. of Act.

And the whole of the third part of this Act shall apply to all sea-going ships registered in the United Kingdom (except such as are exclusively employed in fishing on the coasts of the United Kingdom, and such as belong to the Trinity House, the Commissioners of Northern Lighthouses, or the Port of Dublin Corporation, and also except pleasure yachts), and also to all ships registered in any British possession, and employed in trading or going between any place in the United Kingdom and any place or places not situate in the possession in which such ships are registered, and to the owners, masters, and crews of such ships respectively, wherever the same may be.

Third part of Act to apply to fishing boats, lighthouse vessels, and pleasure yachts, with certain exceptions.

109 *a.* The following vessels; that is to say,

(1.) Registered sea-going ships exclusively employed in fishing on the coasts of the United Kingdom;

(2.) Sea-going ships belonging to any of the three general lighthouse boards;

(3.) Sea-going ships being pleasure yachts;

shall be subject to the whole of the third part of the principal Act; except,—sections 136, 143, 145, 147, 149, 150, 151, 152, 153, 154, 155, 157, 158, 161, 162, 166, 170, 171, 231, 256, 279, 280, 281, 282, 283, 284, 285, 286, and 287. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 13.)

Local Marine Boards.

Constitution of local marine boards.

Local Marine Boards.

110. There shall be local marine boards for carrying into effect the provisions of this Act under the superintendence of the Board of Trade at those seaports of the United Kingdom at which local marine boards have heretofore been established, and at such other places as the Board of Trade appoints for this purpose; and each of such local marine boards shall be constituted as follows; (that is to say), the mayor or provost and the stipendiary magistrate, or such of the mayors or provosts and stipendiary magistrates of the place (if more than one) as the Board of Trade appoints, shall be a member or members ex officio; the Board of Trade shall appoint four members from persons residing or having places of business at the port or within seven miles thereof; and the owners of foreign-going ships and of home trade passenger ships registered at the port shall elect six members; and such elections as aforesaid shall take place on the twenty-fifth day of January one thousand eight hundred and fifty-seven, and on the twenty-fifth day of January in every third succeeding year, and such appointments as aforesaid shall take place within one month after such elections; and upon the conclusion of such month and the constitution of a new board the functions

Local Marine Boards.

of the then existing board shall cease, and the board consisting of the members then newly elected and appointed shall take its place; and any occasional vacancy caused in the intervals between the general elections and appointments, by death, resignation, disqualification, or otherwise, shall be filled up within one month after it occurs; and every person elected or appointed on an occasional vacancy shall continue a member until the next constitution of a new board; and the mayor or provost shall fix the place and mode of conducting all such elections as aforesaid, and also on occasional vacancies the day of election, and shall give at least ten days notice thereof; and the Board of Trade shall have power to decide any questions raised concerning any such elections.

Continuation of local marine boards.

110 *a.* The local marine boards, the members of which have been appointed or elected under the Mercantile Marine Act, 1850, shall continue to act until the fourth day of February one thousand eight hundred and fifty-seven, or until other boards have been constituted in lieu thereof in pursuance of the provisions of the Merchant Shipping Act, 1854. (Merchant Shipping Repeal Act, 17 & 18 Vict. c. 120. s. 5.)

Qualification of Voters for members of local marine boards.

111. Owners of foreign-going ships and of home trade passenger ships registered at any seaport at which there is a local marine board shall have votes at the election of members of such board as follows; (that is to say,) every registered owner of not less than two hundred and fifty tons in the whole of such shipping shall at every election have one vote for each member for every two hundred and fifty tons owned by him, so that his votes for any one member do not exceed ten: and for the purpose of ascertaining the qualification of such electors the following rules shall be observed; (that is to say,) in the case of a ship registered in the name of one person, such person shall be deemed to be the owner, and in the case of a ship registered in distinct and several shares in the names of more persons than one, the tonnage shall be apportioned among the owners as nearly as may be in proportion to their respective shares, and each of such persons shall be deemed to be the owner of the tonnage so apportioned to him; and in the case of a ship or shares of a ship registered jointly without severance of interest in the names of more persons than one, the tonnage shall, if it is sufficient, either alone or together with other tonnage (if any) owned by such joint owners, to give a qualification to each of them, be apportioned equally between the joint owners, and each of such joint owners shall be deemed to be the owner of the equal share so apportioned to him, but if it is not so sufficient, the whole of such tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the port or within seven miles thereof as is first named on the register; and in

Local Marine Boards.

making any such apportionment as aforesaid any portion may be struck off so as to obtain a divisible amount; and the whole amount of tonnage so owned by each person, whether in ships or shares of or interest in ships, shall be added together, and, if sufficient, shall constitute his qualification.

Lists of such voters to be made.

112. The collector or comptroller of customs in every seaport of the United Kingdom at which there is a local marine board shall, with the assistance of the Registrar General of Seamen, on or before the twenty-fifth day of December in the year one thousand eight hundred and fifty-six and in every third succeeding year, make out an alphabetical list of the persons entitled by virtue of this Act to vote at the election of members of such local marine board, containing the christian name, surname, and residence of each such person, and the number of votes to which he is entitled, and shall sign such list, and cause a sufficient number of copies thereof to be printed, and to be fixed on or near the doors of the custom house at such seaport for two entire weeks next after such list has been made, and shall keep true copies of such list, and permit the same to be perused by any person, without payment of any fee, at all reasonable hours during such two weeks.

Revision of list of voters.

113. The mayor or provost of every seaport at which there is a local marine board, or such of them, if more than one, as is or are for the time being so appointed as aforesaid, shall, at least twenty days before the twenty-fifth day of January in the year one thousand eight hundred and fifty-seven, and in each succeeding third year, nominate two justices of the peace to revise the said list; and such justices shall, between the eighth and fifteenth days of January, both inclusive, in the year in which they are so nominated, revise the said list at the custom house of the port, or in some convenient place near thereto, to be hired, if necessary, by the said collector or comptroller, and shall give three clear days notice of such revision by advertising the same in some local newspaper, and by affixing a notice thereof on or near to the doors of such custom house, and shall make such revision by inserting in such list the name of every person who claims to be inserted therein, and gives proof satisfactory to the said revisors of his right to have his name so inserted, and by striking out therefrom the name of every person to the insertion of which an objection is made by any other person named in such list who gives proof satisfactory to the said revisors that the name of the person so objected to ought not to have been inserted therein, and the decision of the said revisors with respect to every such claim or objection shall be conclusive, and the said revisors shall immediately after such revision sign their names at the foot of the list so revised; and such list so revised shall be the register of voters at elections of members of the local marine board of such seaport for three years from

the twenty-fifth day of January then next ensuing inclusive to the twenty-fourth day of January inclusive in the third succeeding year; and the said revised list, when so signed, shall be delivered to such mayor or provost as aforesaid of the place, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy to be delivered to every voter applying for the same.

Registers to be produced.

114. The said collector or comptroller, if required, shall for the assistance of the said revisors in revising the said list, produce to them the books containing the register of ships registered at such seaport; and the Registrar General of Seamen, if required, shall also produce or transmit to such revisors such certified extracts or returns from the books in his custody as may be necessary for the same purpose.

Expenses to be paid by Board of Trade.

115. The two justices aforesaid shall certify all expenses properly incurred by any such collector or comptroller as aforesaid in making and printing the said list and in the revision thereof, and the Board of Trade shall pay the same, and also all expenses properly incurred by any such mayor or provost as aforesaid in printing the same or in elections taking place under this Act; and the said board may disallow any items of any such expenses as aforesaid which it deems to have been improperly incurred.

Persons on revised list qualified to vote.

116. Every person whose name appears on such revised list, and no other person, shall be qualified to vote at the election of members of the local marine board at such seaport to be held on the twenty-fifth day of January next after the revision of such list, and at any occasional election held at any time between that day and the next ordinary triennial election of the members of such board.

Qualification of members of local marine boards.

117. Every male person who is according to such revised list of the voters at any seaport entitled to a vote shall be qualified to be elected a member of the local marine board of such seaport, and no other person shall be so qualified; and if any person elected as a member after such election ceases to be an owner of such quantity of tonnage as would entitle him to a vote, he shall no longer continue to act or be considered as a member; and thereupon another member shall be elected in his place.

Error in elections not to vitiate acts done.

118. No act of any local marine board shall be vitiated or prejudiced by reason of any irregularity in the election of any of its members, or of any error in the list of voters herein mentioned, or of any irregularity in the making or revising of such list, or by reason of any person who is not duly qualified as herein-before directed acting upon such board.

Local Marine Boards.

Minutes and business of local marine boards.

119. Every local marine board shall keep minutes of its proceedings, and the same shall be kept in such mode (if any) as the Board of Trade prescribes; and such minutes, and all books or documents used or kept by any local marine board, or by any examiners, shipping masters, or other officers or servants under the control of any local marine board, shall be open to the inspection of the Board of Trade and its officers; and every local marine board shall make and send to the Board of Trade such reports and returns as it requires; but, subject as aforesaid, every local marine board may regulate the mode in which its meetings are to be held and its business conducted

Local marine board may determine number of quorum.

119 *a.* Whereas doubts have been entertained whether local marine boards have the power of determining a quorum: It is hereby declared, That the power by the 119th section of the principal Act given to every local marine board of regulating the mode in which its meetings are to be held and its business conducted includes the power of determining a quorum; nevertheless, after the passing of this Act such quorum shall never consist of less than three members. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 14.)

If any local marine board fails to discharge its duties, Board of Trade may assume its duties, or direct a new election.

120. If any local marine board by reason of any election not taking place, or of the simultaneous resignation or continued non-attendance of all or the greater part of the members, or from any other cause, fails to meet or to discharge its duties, the Board of Trade may in its discretion either take into its own hands the performance of the duties of such local marine board until the next triennial appointment and election thereof, or direct that a new appointment and election of such local marine board shall take place immediately.

Board of Trade, on complaint, may alter arrangements made by local marine boards.

121. If upon complaint made to the Board of Trade it appears to such board that any appointments or arrangements made by any local marine board under the powers hereby given to it are not such as to meet the wants of the port, or are in any respect unsatisfactory or improper, the Board of Trade may annul, alter, or rectify such appointments or arrangements in such manner as, having regard to the intentions of this Act and to the wants of the port, it deems to be expedient.

Shipping Offices.

Local marine boards to establish shipping offices.

Shipping Offices.

122. In every seaport in the United Kingdom in which there is a local marine board such board shall establish a shipping office or shipping offices, and may for that purpose, subject as herein mentioned, procure the requisite premises, and appoint and from time to time remove and reappoint superintendents of such offices, to be called shipping masters, with any necessary deputies, clerks, and servants, and regu-

late the mode of conducting business at such offices, and shall, subject as herein mentioned, have complete control over the same; and every act done by or before any deputy duly appointed shall have the same effect as if done by or before a shipping master.

Shipping Offices.

122 *a*. The offices termed shipping offices in the principal Act shall be termed mercantile marine offices, and the officers termed shipping masters and deputy shipping masters in the principal Act shall be termed superintendents and deputy superintendents of such offices; but nothing in this section contained shall invalidate or affect any act which may be done at any such office under the title of a shipping office, or any act which may be done by, with, or to any of the said officers under the title of shipping master or deputy shipping master. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 15.)

Titles of shipping masters.

123. The sanction of the Board of Trade shall be necessary, so far as regards the number of persons so appointed by any such local marine board, and the amount of their salaries and wages and all other expenses; and the Board of Trade shall have the immediate control of such shipping offices, so far as regards the receipt and payment of money thereat; and all shipping masters, deputies, clerks, and servants so appointed as aforesaid shall before entering upon their duties give such security (if any) for the due performance thereof as the Board of Trade requires; and if in any case the Board of Trade has reason to believe that any shipping master, deputy, clerk, or servant appointed by any local marine board does not properly discharge his duties, the Board of Trade may cause the case to be investigated, and may, if it thinks fit so to do, remove him from his office, and may provide for the proper performance of his duties until another person is properly appointed in his place.

Board of Trade to have partial control over shipping offices.

124. It shall be the general business of shipping masters appointed as aforesaid—

Business of such offices generally.

To afford facilities for engaging seamen by keeping registries of their names and characters:

To superintend and facilitate their engagement and discharge in manner herein-after mentioned:

To provide means for securing the presence on board at the proper times of men who are so engaged:

To facilitate the making of apprenticeships to the sea service:

To perform such other duties relating to merchant seamen and merchant ships as are hereby or may hereafter under the powers herein contained be committed to them.

Shipping Offices

Fees to be paid upon engagements and discharges

125. Such fees, not exceeding the sums specified in the table marked P. in the schedule hereto, as are from time to time fixed by the Board of Trade, shall be payable upon all engagements and discharges effected before shipping masters as herein-after mentioned, and the Board of Trade shall cause scales of the fees payable for the time being to be prepared and to be conspicuously placed in the shipping offices; and all shipping masters, their deputies, clerks, and servants, may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid

TABLE P.

Fees to be charged for Matters transacted at Shipping Offices.

1. Engagement of Crews.

		£	s.	d.
In ships under	60 tons	0	4	0
60 to 100	„	0	7	0
100 to 200	„	0	15	0
200 to 300	„	1	0	0
300 to 400	„	1	5	0
400 to 500	„	1	10	0
500 to 600	„	1	15	0
600 to 700	„	2	0	0
700 to 800	„	2	5	0
800 to 900	„	2	10	0
900 to 1,000	„	2	15	0
Above 1,000	„	3	0	0

And so on for ships of larger tonnage, adding for every 100 tons above 1,000, five shillings.

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2. Engagement of seamen separately. Two shillings for each.

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3. Discharge of Crews.

		£	s.	d.
In ships under	60 tons	0	4	0
60 to 100	„	0	7	0
100 to 200	„	0	15	0
200 to 300	„	1	0	0
300 to 400	„	1	5	0
400 to 500	„	1	10	0
500 to 600	„	1	15	0
600 to 700	„	2	0	0
700 to 800	„	2	5	0
800 to 900	„	2	10	0
900 to 1,000	„	2	15	0
Above 1,000	„	3	0	0

And so on for ships of larger tonnage, adding for every 100 tons above 1,000, five shillings.

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4. Discharge of seamen separately. Two shillings for each.

Shipping Offices.

126. Every owner or master of a ship engaging or discharging any seamen or seaman in a shipping office or before a shipping master shall pay to the shipping master the whole of the fees hereby made payable in respect of such engagement or discharge, and may, for the purpose of in part reimbursing himself, deduct in respect of each such engagement or discharge from the wages of all persons (except apprentices) so engaged or discharged, and retain, any sums not exceeding the sums specified in that behalf in the Table marked Q. in the Schedule hereto: Provided that, if in any cases the sums which the owner is so entitled to deduct exceed the amount of the fee payable by him, such excess shall be paid by him to the shipping master in addition to such fee.

Masters to pay fees, and to deduct part from wages.

Proviso as to excess.

TABLE Q.

Sums to be deducted from Wages by way of partial Repayment of Fees in Table P.

1. In respect of engagements and discharges of Crews, upon each engagement and each discharge.

	s.	d.
From wages of any mate, purser, engineer, surgeon, carpenter, or steward -	1	6
„ all others except apprentices - -	1	0

2. In respect of engagements and discharges of seamen separately, upon each engagement and each discharge.

One shilling.

127. Any shipping master, deputy shipping master, or any clerk or servant in any shipping office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant ship, excepting the lawful fees payable under this Act, shall for every such offence incur a penalty not exceeding twenty pounds, and shall also be liable to be dismissed from his office by the Board of Trade.

Penalty on shipping masters taking other remuneration.

127 *a.* Any person appointed to any office or service by or under any local marine board shall be deemed to be a clerk or servant within the meaning of the sixty-eighth section of the Act of the twenty-fifth year of the reign of Her present Majesty, chapter ninety-six:

Punishment for embezzlement in shipping offices.

If any such person fraudulently applies or disposes of any chattel, money, or valuable security received by him whilst employed in such office or service for or on account of any such local marine board, or for or on account of any other public board or department, to his own use or any use or purpose other than that for which the same was paid, entrusted to, or received by him, or fraudulently withholds, retains, or keeps back the same or any part thereof contrary to any

Shipping Offices.

lawful directions or instructions which he is required to obey in relation to such office or service, he shall be deemed guilty of embezzlement within the meaning of the said section:

Any such person shall, on conviction of such offence as aforesaid, be liable to the same pains and penalties as are thereby imposed upon any clerk or servant for embezzlement:

In any indictment against such person for such offence it shall be sufficient to charge any such chattel, money, or valuable security as the property either of the board by which he was appointed, or of the board or department for or on account of which he may have received the same; and no greater particularity in the description of the property shall be required in such indictment in order to sustain the same, or in proof of the offence alleged, than is required in respect of an indictment or the subject matter thereof by the seventy-first section of the said last-mentioned Act. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 16.)

Business of shipping offices may be transacted at custom houses.

128. The Board of Trade may, with the consent of the Commissioners of Customs, direct that at any place in which no separate shipping office is established the whole or any part of the business of the shipping office shall be conducted at the custom house, and thereupon the same shall be there conducted accordingly; and in respect of such business such custom house shall for all purposes be deemed to be a shipping office, and the officer of customs there to whom such business is committed shall for all purposes be deemed to be a shipping master within the meaning of this Act.

In London sailors homes may be shipping offices.

129. The Board of Trade may appoint any superintendent of or other person connected with any sailors home in the port of London to be a shipping master, with any necessary deputies, clerks, and servants, and may appoint any office in any such home to be a shipping office; and all shipping masters and shipping offices so appointed shall be subject to the immediate control of the Board of Trade and not of the local marine board of the port.

Dispensation with shipping master's superintendence.

130. The Board of Trade may from time to time dispense with the transaction before a shipping master or in a shipping office of any matters required by this Act to be so transacted; and thereupon such matters shall, if otherwise duly transacted as required by law, be as valid as if transacted before a shipping master or in a shipping office.

Power for Board of Trade to establish mercantile

130 *a.* In any case where the business of a mercantile marine office is conducted otherwise than under a local marine board, the Board of Trade may, if they think fit, instead of conducting such business at a custom house or otherwise,

establish a mercantile marine office, and for that purpose procure the requisite buildings and property, and from time to time appoint and remove all the requisite superintendents, deputies, clerks, and servants. They may also in the like case make all such provisions and exercise all such powers with respect to the holding of examinations for the purpose of granting certificates of competency as masters, mates, or engineers, to persons desirous of obtaining the same, as might have been made or exercised by a local marine board. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 10.)

Shipping Offices.

marine offices and to hold examinations at certain ports.

Examinations and Certificates of Masters and Mates.

Certificates of Masters and Mates.

131. Examinations shall be instituted for persons who intend to become masters or mates of foreign-going ships, or of home trade passenger ships, or who wish to procure certificates of competency herein-after mentioned; and, subject as herein mentioned, the local marine boards shall provide for the examinations at their respective ports, and may appoint and from time to time remove and re-appoint examiners to conduct the same, and may regulate the same; and any members of the local marine board of the place where the examination is held may be present and assist at any such examination.

Examinations to be instituted for masters and mates.

131 *a.* Whereas it is expedient to make provision in certain cases for holding examinations of applicants for certificates of competency at places where there are no local marine boards: Be it enacted, That the Board of Trade, if satisfied that serious inconvenience exists at any port in consequence of the distance which applicants for certificates have to travel in order to be examined, may, with the concurrence of any local marine board, send the examiner or examiners of that local marine board to the port where such inconvenience exists; and thereupon the said examiner or examiners shall proceed to such port, and shall there examine the applicants in the presence of such person or persons (if any) as the Board of Trade may appoint for the purpose; and such examinations shall be conducted in the same manner and shall have the same effect as other examinations under the said Act. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 17.)

Examinations of masters and mates at ports where there are no local marine boards.

132. The Board of Trade may from time to time lay down rules as to the conduct of such examinations and as to the qualifications of the applicants, and such rules shall be strictly adhered to by all examiners; and no examiner shall be appointed unless he possesses a certificate of qualification, to be from time to time granted or renewed by the Board of Trade; and the sanction of the Board of Trade shall be necessary, so far as regards the number of examiners to be appointed, and the amount of their remuneration; and the

Powers of Board of Trade over examinations.

Certificates of Masters and Mates.

Board of Trade may at any time depute any of its officers to be present and assist at any examination; and if it appears to the Board of Trade that the examinations for any two or more ports can be conducted without inconvenience by the same examiners, it may require and authorise the local marine boards of such ports to act together as one board in providing for and regulating examinations and appointing and removing examiners for such ports.

Fees to be paid by applicants for examination.

133. All applicants for examination shall pay such fees not exceeding the sums specified in the Table marked R. in the schedule hereto, as the Board of Trade directs; and such fees shall be paid to such persons as the said board appoints for that purpose.

TABLE R.

Fees to be charged on examination.

	£	s.	d.
For a certificate as master - - - -	2	0	0
For a certificate as mate - - -	1	0	0

Certificates of competency to be granted to those who pass.

134. Subject to the proviso herein-after contained, the Board of Trade shall deliver to every applicant who is duly reported by the local examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship, a certificate (herein-after called a "certificate of competency") to the effect that he is competent to act as master, or as first, second, or only mate of a foreign-going ship, or as master or mate of a home trade passenger ship, as the case may be: Provided that in every case in which the Board of Trade has reason to believe such report to have been unduly made, such board may remit the case either to the same or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him a certificate.

Certificates of service to be delivered to persons who served as masters or mates before 1851, and to certain naval officers; and certificates of service for home trade passenger ships to be delivered to persons who have served as masters or mates in such ships before 1st January 1854.

135. Certificates of service, differing in form from certificates of competency, shall be granted as follows; (that is to say,)

(1.) Every person who before the first day of January one thousand eight hundred and fifty-one served as master in the British merchant service, or who has attained or attains the rank of lieutenant, master, passed mate, or second master, or any higher rank in the service of Her Majesty or of the East India Company, shall be entitled to a certificate of service as master for foreign-going ships:

(2.) Every person who before the first day of January one thousand eight hundred and fifty-one served as mate in the British merchant service shall be entitled to a certificate of service as mate for foreign-going ships:

Certificates of Masters and Mates.

(3.) Every person who before the first day of January one thousand eight hundred and fifty-four has served as master of a home trade passenger ship shall be entitled to a certificate of service as master for home trade passenger ships:

(4.) Every person who before the first day of January one thousand eight hundred and fifty-four has served as mate of a home trade passenger ship shall be entitled to a certificate of service as mate for home trade passenger ships:

And each of such certificates of service shall contain particulars of the name, place, and time of birth, and of the length and nature of the previous service of the person to whom the same is delivered; and the Board of Trade shall deliver such certificates of service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

No foreign-going ship or home trade passenger ship to proceed to sea without certificates of the master and mates.

136. No foreign-going ship or home trade passenger ship shall go to sea from any port in the United Kingdom unless the master thereof, and in the case of a foreign-going ship the first and second mates or only mate (as the case may be), and in the case of a home trade passenger ship the first or only mate (as the case may be), have obtained and possess valid certificates either of competency or service appropriate to their several stations in such ship, or of a higher grade; and no such ship, if of one hundred tons burden or upwards, shall go to sea as aforesaid, unless at least one officer besides the master has obtained and possesses a valid certificate appropriate to the grade of only mate therein or to a higher grade; and every person who, having been engaged to serve as master or as first or second or only mate of any foreign-going ship, or as master or first or only mate of a home trade passenger ship, goes to sea as aforesaid as such master or mate without being at the time entitled to and possessed of such a certificate as hereinbefore required, or who employs any person as master, or first, second, or only mate of any foreign-going ship, or as master or first or only mate of a home trade passenger ship, without ascertaining that he is at the time entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceeding fifty pounds.

Certificates for foreign-going ships available for home trade passenger ships.

137. Every certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in such last-mentioned ship; but no certificate for a home trade passenger ship shall entitle the holder to go to sea as master or mate of a foreign-going ship.

Certificates of Masters and Mates.

The registrar to record grants, cancellations, &c. of certificates.

138. All certificates,* whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded by the Registrar General of Seamen or by such other person as the Board of Trade appoints for that purpose; and the Board of Trade shall give to such registrar or such other person immediate notice of all orders made by it for cancelling, suspending, altering, or otherwise affecting any certificate in pursuance of the powers herein contained; and the registrar or such other person as aforesaid shall thereupon make a corresponding entry in the record of certificates; and a copy purporting to be certified by such registrar or his assistant or by such person as aforesaid of any certificate shall be primâ facie evidence of such certificate, and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any certificate shall be primâ facie evidence of the truth of the matters stated in such entry.

Duplicates and entries to be evidence.

In case of loss a copy to be granted.

139. Whenever any master or mate [or engineer]* proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of any certificate already granted to him, the Board of Trade shall, upon payment of such fee (if any) as it directs, cause a copy of the certificate to which by the record so kept as aforesaid he appears to be entitled, to be made out and certified as aforesaid, and to be delivered to him; and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original.

Penalties for false representations;

for forging or altering or fraudulently using or lending any certificate.

140. Every person who makes, or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate* either of competency or service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate, or any official copy of any such certificate, or who fraudulently makes use of any such certificate or any copy of any such certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall for each offence be deemed guilty of a misdemeanor.

Certificates of Engineers.

Steam ships to carry certificated engineers.

Examinations and Certificates of Engineers.

140 *a.* On and after the first day of June one thousand eight hundred and sixty-three, every steam ship which is required by the principal Act to have a master possessing a certificate from the Board of Trade shall also have an

* See 140 *f*.

engineer or engineers possessing a certificate or certificates from the Board of Trade as follows; that is to say,

Certificates of Engineers.

(1.) Engineers certificates shall be of two grades, viz., "First-class engineers certificates," and "Second-class engineers certificates:"

(2.) Every foreign-going steam ship of one hundred nominal horse power or upwards shall have as its first and second engineers two certificated engineers, the first possessing a "First-class engineers certificate," and the second possessing a "Second-class engineers certificate," or a certificate of the higher grade:

(3.) Every foreign-going steam ship of less than one hundred nominal horse power shall have as its only or first engineer an engineer possessing a "Second-class engineers certificate" or a certificate of the higher grade:

(4.) Every sea-going home-trade passenger steam ship shall have as its only or first engineer an engineer possessing a "Second-class engineers certificate" or a certificate of the higher grade:

(5.) Every person who, having been engaged to serve in any of the above capacities in any such steam ship as aforesaid, goes to sea in that capacity without being at the time entitled to and possessed of such certificate as is required by this section, and every person who employs any person in any of the above capacities in such ship without ascertaining that he is at the time entitled to and possessed of such certificate as is required by this section, shall for each such offence incur a penalty not exceeding fifty pounds. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 5.)

Examinations for engineers certificates of competency.

140 *b.* The Board of Trade shall from time to time cause examinations to be held of persons who may be desirous of obtaining certificates of competency as engineers: For the purpose of such examinations the Board of Trade shall from time to time appoint and remove examiners, and award the remuneration to be paid to them; lay down rules as to the qualification of applicants, and as to the times and places of examination; and generally do all such acts as it thinks expedient, in order to carry into effect the examination of such engineers as aforesaid. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 6.)

Fees to be paid by applicants for examination.

140 *c.* All applicants for examination shall pay such fees, not exceeding the sums specified in the table marked (B.) in the schedule hereto, as the Board of Trade directs; and such fees shall be paid to such persons as the said board

Certificates of Engineers

appoints for that purpose, and shall be carried to the account of the Mercantile Marine Fund. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 7.)

TABLE B.

Fees to be charged on Examination of Engineers.

	£	s.	d.
For a first-class engineers certificate - -	2	0	0
For a second-class engineers certificate - -	1	0	0

Certificates of competency to be granted to those who pass.

140 *d.* The Board of Trade shall deliver to every applicant who is duly reported to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, and ability, a certificate of competency, as first-class engineer or as second-class engineer, as the case may be. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 8)

Engineers certificates of service to be delivered on proof of certain service.

140 *e.* Certificates of service for engineers, differing in form from certificates of competency, shall be granted as follows; that is to say,

(1.) Every person who before the first day of April one thousand eight hundred and sixty-two has served as first engineer in any foreign-going steam ship of one hundred nominal horse power or upwards, or who has attained or attains the rank of engineer in the service of Her Majesty or of the East India Company, shall be entitled to a "First-class engineers certificate" of service:

(2.) Every person who before the first day of April one thousand eight hundred and sixty-two has served as second engineer in any foreign-going steam ship of one hundred nominal horse power or upwards, or as first or only engineer in any other steam ship, or who has attained or attains the rank of first-class assistant engineer in the service of Her Majesty, shall be entitled to a "Second-class engineers certificate" of service:

Each of such certificates of service shall contain particulars of the name, place, and time of birth, and the length and nature of the previous service of the person to whom the same is delivered; and the Board of Trade shall deliver such certificates of service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 9.)

Certificates of Engineers.

Certain provisions of Merchant Shipping Act to apply to engineers certificates.

140 *f*. The provisions of the principal Act, with respect to the certificates of competency or service of masters and mates, contained in the 138th, 139th, 140th, 161st, and 162d sections of the said Act, shall apply to certificates of competency or service granted under this Act in the same manner as if certificates of competency and service to be granted to engineers under this Act were specially mentioned and included in the said sections. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 10.)

Colonial certificates to master, mates, and engineers.

140 *g*. Where the legislature of any British possession provides for the examination of, and grant of certificates of competency to persons intending to act as masters, mates, or engineers on board British ships, and the Board of Trade reports to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the Acts relating to merchant shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said Acts, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for Her Majesty, by Order in Council,

1. To declare that the said certificates shall be of the same force as if they had been granted under the said Acts:
2. To declare that all or any of the provisions of the said Acts which relate to certificates of competency granted under those Acts shall apply to the certificates referred to in the said order:
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

Upon the publication in the London Gazette of any such Order in Council as last aforesaid, the provisions therein contained shall, from a date to be mentioned for the purpose in such order, take effect as if they had been contained in this Act.

It shall be lawful for Her Majesty in Council to revoke any order made under this section. (Merchant Shipping (Colonial) Act, 1869, 32 Vict. c. 11. s. 8.)

Apprenticeships to Sea Service.

Apprenticeships to the Sea Service.

Shipping masters to assist in binding apprentices, and may receive fees.

141. All shipping masters appointed under this Act shall, if applied to for the purpose, give to any board of guardians, overseers, or other persons desirous of apprenticing boys to the sea service, and to masters and owners of ships requiring apprentices, such assistance as is in their power for facilitating the making of such apprenticeships, and may receive from persons availing themselves of such assistance such fees as may be determined in that behalf by the Board of Trade, with the concurrence, so far as relates to pauper apprentices n England, of the Poor Law Board in England, and so far as relates to pauper apprentices in Ireland, of the Poor Law Commissioners in Ireland.

Indentures of boys bound apprentices to sea service by guardians or overseers to be witnessed by two justices.

142. In the case of every boy bound apprentice to the sea service by any guardians or overseers of the poor, or other persons having the authority of guardians of the poor, the indentures shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices of the peace, who shall ascertain that the boy has consented to be bound, and has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom the boy is to be bound is a proper person for the purpose.

Indentures of apprenticeship to be exempt from stamp duty, and to be recorded.

143. All indentures of apprenticeship to the sea service shall be exempt from stamp duty; and all such indentures shall be in duplicate; and every person to whom any boy whatever is bound as an apprentice to the sea service in the United Kingdom shall within seven days after the execution of the indentures take or transmit the same to the Registrar General of Seamen or to some shipping master; and the said registrar or shipping master shall retain and record one copy, and shall indorse on the other that the same has been recorded, and shall re-deliver the same to the master of the apprentice; and whenever any such indenture is assigned or cancelled, and whenever any such apprentice dies or deserts, the master of the apprentice shall, within seven days after such assignment, cancellation, death, or desertion, if the same happens within the United Kingdom, or if the same happens elsewhere, so soon afterwards as circumstances permit, notify the same either to the said registrar of seamen, or to some shipping master, to be recorded; and every person who fails to comply with the provisions of this section shall incur a penalty not exceeding ten pounds.

Rules to govern apprenticeship of paupers in

144. Subject to the provisions herein-before contained, all apprenticeships to the sea service made by any guardians or overseers of the poor, or persons having the authority of

guardians of the poor, shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by the same persons, and if made in Ireland shall be subject to the following rules; (that is to say,)

Apprenticeships to Sea Service.

Great Britain and Ireland respectively.

(1.) In every union the guardians of the poor, or other persons duly appointed to carry into execution the Acts for the relief of the destitute poor and having the authority of guardians of the poor, may put out and bind as an apprentice to the sea service any boy who or whose parent or parents is or are receiving relief in such union, and who has attained the age of twelve years, and is of sufficient health and strength, and who consents to be so bound:

(2.) If the cost of relieving any such boy is chargeable to an electoral division of a union, then (except in cases in which paid officers act in place of guardians) he shall not be bound as aforesaid unless the consent in writing of the guardians of such electoral division or of a majority of the guardians (if more than one) be first obtained, such consent to be, when possible, indorsed upon the indentures:

(3.) The expense incurred in the binding and outfit of any such apprentice shall be charged to the union or electoral division (as the case may be) to which the boy or his parent or parents is or are chargeable at the time of his being apprenticed:

(4.) All indentures made in any union may be sued upon by the guardians of the union or persons having the authority of guardians therein for the time being, by their name of office, and actions brought by them upon such indentures shall not abate by reason of death or change in the persons holding the office; but no such action shall be commenced without the consent of the Irish Poor Law Commissioners:

(5.) The amount of the costs incurred in any such action, and not recovered from the defendant therein, may be charged upon the union or electoral division (as the case may be) to which the boy or his parent or parents was or were chargeable at the time of his being apprenticed.

145. The master of every foreign-going ship shall, before carrying any apprentice to sea from any place in the United Kingdom, cause such apprentice to appear before the shipping master before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof (if any); and the name of such apprentice, with the date of the indenture and of the assignment or assignments thereof (if any), and the name of

Apprentices and their indentures to be brought before shipping master before each voyage in a foreign-going ship.

Apprenticeships to Sea Service.

the port or ports at which the same have been registered, shall be entered on the agreement; and for any default in obeying the provisions of this section the master shall for each offence incur a penalty not exceeding five pounds.

Engagement of Seamen.

Engagement of Seamen.

Board of Trade may license persons to procure seamen.

146. The Board of Trade may grant to such persons as it thinks fit licenses to engage or supply seamen or apprentices for merchant ships in the United Kingdom, to continue for such periods, to be upon such terms, and to be revocable upon such conditions, as such board thinks proper.

Penalties.

147. The following offences shall be punishable as hereinafter mentioned; (that is to say,)

for supplying seamen without license.

(1.) If any person not licensed as aforesaid, other than the owner or master or a mate of the ship, or some person who is bonâ fide the servant and in the constant employ of the owner, or a shipping master duly appointed as aforesaid, engages or supplies any seaman or apprentice to be entered on board any ship in the United Kingdom, he shall for each seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds:

for employing unlicensed persons.

(2.) If any person employs any unlicensed person, other than persons so excepted as aforesaid, for the purpose of engaging or supplying any seaman or apprentice to be entered on board any ship in the United Kingdom, he shall for each seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds, and if licensed shall in addition forfeit his license:

for receiving seamen illegally supplied.

(3.) If any person knowingly receives or accepts to be entered on board any ship any seaman or apprentice who has been engaged or supplied contrary to the provisions of this Act, he shall for every seaman or apprentice so engaged or supplied incur a penalty not exceeding twenty pounds.

Penalty for receiving remuneration from seamen for shipping them.

148. If any person demands or receives, either directly or indirectly from any seaman or apprentice, or from any person seeking employment as a seaman or apprentice, or from any person on his behalf, any remuneration whatever, other than the fees hereby authorised, for providing him with employment, he shall for every such offence incur a penalty not exceeding five pounds.

Agreements to be made with seamen, containing certain particulars.

149. The master of every ship, except ships of less than eighty tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom, shall enter into an agreement with every seaman whom he carries to sea from any port in the United Kingdom as one of

his crew in the manner herein-after mentioned; and every such agreement shall be in a form sanctioned by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof; (that is to say,) *Engagement of Seamen.*

(1.) The nature, and, as far as practicable, the duration of the intended voyage or engagement:

(2.) The number and description of the crew, specifying how many are engaged as sailors:

(3.) The time at which each seaman is to be on board or to begin work:

(4.) The capacity in which each seaman is to serve:

(5.) The amount of wages which each seaman is to receive:

(6.) A scale of the provisions which are to be furnished to each seaman:

(7.) Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt:

And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case, as to advance and allotment of wages, and may contain any other stipulations which are not contrary to law: Provided that if the master of any ship belonging to any British possession has an agreement with his crew made in due form according to the law of the possession to which such ship belongs or in which her crew were engaged, and engages single seamen in the United Kingdom, such seamen may sign the agreement so made, and it shall not be necessary for them to sign an agreement in the form sanctioned by the Board of Trade. Proviso as to forms for colonial ships.

149 *a.* Any agreement with a seaman made under section one hundred and forty-nine of the Merchant Shipping Act, 1854, may, instead of stating the nature and duration of the intended voyage or engagement as by that section required, state the maximum period of the voyage or engagement, and the places or parts of the world (if any) to which the voyage or engagement is not to extend. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 7.) Agreements with seamen.

149 *b.* The owner or master of any British vessel engaged in fishing off the coast of the United Kingdom may enter into an agreement with any person employed on such vessel that such person shall be remunerated wholly by a share in the profit of the fishing adventure. Agreements with fishermen.

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Engagement of Seamen.

Every such agreement shall be in writing or in print, or partly in writing and partly in print, and shall be signed by the contracting parties in the presence of a superintendent or deputy superintendent of a mercantile marine office.

The superintendent or deputy superintendent shall, before such agreement is signed, read and (if necessary) explain the same to the contracting parties, and shall attest the signature of the agreement, and certify that it has been read to and agreed to by the contracting parties.

Any such agreement, if made in the manner by this section required, shall be valid and binding on all the contracting parties, notwithstanding anything contained in section one hundred and eighty-two of the Merchant Shipping Act, 1854. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 8.)

For foreign-going ships such agreements, when made in the United Kingdom, except in special cases, to be made before and attested by a shipping master:

150. In the case of all foreign-going ships, in whatever part of Her Majesty's dominions the same are registered, the following rules shall be observed with respect to agreements; (that is to say,)

(1.) Every agreement made in the United Kingdom (except in such cases of agreements with substitutes as are herein-after specially provided for) shall be signed by each seaman in the presence of a shipping master:

(2.) Such shipping master shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature:

To be in duplicate:

(3.) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping master and the other part shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship, and shall be delivered to the master:

Provision for substitutes.

(4.) In the case of substitutes engaged in the place of seamen who have duly signed the agreement, and whose services are lost within twenty-four hours of the ship's putting to sea by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before some shipping master duly appointed in the manner herein-before specified; and whenever such last-mentioned engagement cannot be so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the seamen; and the seamen shall thereupon sign the same in the presence of a witness, who shall attest their signatures.

Engagement of Seamen.

151. In the case of foreign-going ships making voyages averaging less than six months in duration, running agreements with the crew may be made to extend over two or more voyages, so that no such agreement shall extend beyond the next following thirtieth day of June or thirty-first day of December or the first arrival of the ship at her port of destination in the United Kingdom after such date, or the discharge of cargo consequent upon such arrival; and every person entering into such agreement, whether engaged upon the first commencement thereof or otherwise, shall enter into and sign the same in the manner hereby required for other foreign-going ships; and every person engaged thereunder, if discharged in the United Kingdom, shall be discharged in the manner hereby required for the discharge of seamen belonging to other foreign-going ships.

Foreign-going ships making short voyages may have running agreements.

152. The master of every foreign-going ship for which such a running agreement as aforesaid is made shall, upon every return to any port in the United Kingdom before the final termination of the agreement, discharge or engage before the shipping master at such port any seaman whom he is required by law so to discharge or engage, and shall upon every such return indorse on the agreement a statement (as the case may be) either that no such discharges or engagements have been made or are intended to be made before the ship again leaves port, or that all such discharges or engagements have been duly made as herein-before required, and shall deliver the agreement so indorsed to the shipping master; and any master who wilfully makes a false statement in such indorsement shall incur a penalty not exceeding twenty pounds; and the shipping master shall also sign an indorsement on the agreement to the effect that the provisions of this Act relating to such agreement have been complied with, and shall re-deliver the agreement so indorsed to the master.

Engagement and discharge of seamen in the meantime.

153. In cases in which such running agreements are made, the duplicate agreement retained by the shipping master upon the first engagement of the crews shall either be transmitted to the Registrar General of Seamen immediately, or be kept by the shipping master until the expiration of the agreement, as the Board of Trade directs.

Duplicates of running agreements, how to be dealt with.

154. For the purpose of determining the fees to be paid upon the engagement and discharge of seamen belonging to foreign-going ships which have running agreements as aforesaid, the crew shall be considered to be engaged when the agreement is first signed, and to be discharged when the agreement finally terminates, and all intermediate engagements and discharges shall be considered to be engagements and discharges of single seamen.

Fees to be paid on such running agreements.

Engagement of Seamen.

In home trade ships agreement to be entered into before a shipping master or other witness.

155. In the case of home trade ships, crews or single seamen may, if the master thinks fit, be engaged before a shipping master in the manner herein-before directed with respect to foreign-going ships; and in every case in which the engagement is not so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, who shall attest his signature.

Special agreements for home trade ships belonging to same owners.

156. In cases where several home trade ships belong to the same owner, the agreement with the seamen may, notwithstanding anything herein contained, be made by the owner instead of by the master, and the seamen may be engaged to serve in any two or more of such ships, provided that the names of the ships and the nature of the service are specified in the agreement; but with the foregoing exception all provisions herein coontained which relate to ordinary agreements for home trade ships shall be applicable to agreements made in pursuance of this section.

Penalty for shipping seamen without agreement duly executed.

157. If in any case a master carries any seaman to sea without entering into an agreement with him in the form and manner and at the place and time hereby in such case required, the master in the case of a foreign-going ship, and the master or owner in the case of a home trade ship, shall for each such offence incur a penalty not exceeding five pounds.

Changes in crew to be reported.

158. The master of every foreign-going ship of which the crew has been engaged before a shipping master shall before finally leaving the United Kingdom sign and send to the nearest shipping master a full and accurate statement in a form sanctioned by the Board of Trade of every change which takes place in his crew before finally leaving the United Kingdom, and in default shall for each offence incur a penalty not exceeding five pounds; and such statement shall be admissible in evidence, subject to all just exceptions.

Seamen engaged in the colonies to be shipped before some shipping master or officer of customs.

159. Every master of a ship who, if such ship is registered in the United Kingdom, engages any seaman in any British possession, or if such ship belongs to any British possession engages any seaman in any British possession other than that to which the ship belongs, shall, if there is at the place where such seaman is engaged any official shipping master or other officer duly appointed for the purpose of shipping seamen, engage such seamen before such shipping master, and if there is no such shipping master or officer, then before some officer of customs; and the same rules, qualifications and penalties as are herein-before specified with respect to the engagement of seamen before shipping masters in the United Kingdom shall apply to such engagements in a British possession; and upon every such engagement such shipping master or officer

as aforesaid shall indorse upon the agreement an attestation to the effect that the same has been signed in his presence, and otherwise made as hereby required; and if in any case such attestation is not made, the burden of proving that the seaman was duly engaged as hereby required shall lie upon the master.

Engagement of Seamen.

160. Every master of a British ship who engages any seaman at any place out of Her Majesty's dominions in which there is a British consular officer shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage such seaman before such officer; and the same rules as are herein-before contained with respect to the engagement of seamen before shipping masters in the United Kingdom shall apply to such engagements made before consular officers; and upon every such engagement the consular officer shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise made as hereby required; and every master who engages any seaman in any place in which there is a consular officer, otherwise than as herein-before required, shall incur a penalty not exceeding twenty pounds; and if in any case the indorsement and attestation hereby required is not made upon the agreement, the burden of proving the engagement to have been made as herein-before required shall lie upon the master.

Seamen engaged in foreign ports to be shipped with the sanction and in the presence of the consul.

161. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for foreign-going ships; (that is to say,)

(1.) The master of every foreign-going ship shall, on signing the agreement with his crew, produce to the shipping master before whom the same is signed the certificates of competency or service* which the said master and his first and second mate or only mate, as the case may be, are hereby required to possess; and upon such production being duly made, and the agreement being duly executed as hereby required, the shipping master shall sign and give to the master a certificate to that effect:

(2.) In the case of running agreements for foreign-going ships the shipping master shall, before the second and every subsequent voyage made after the first commencement of the agreement, sign and give to the master, on his complying with the provisions herein contained with respect to such agreements, and producing to the shipping master the certificate of competency or service of any first, second, or only mate then first engaged by him, a certificate to that effect:

Rules as to production of agreements and certificates of masters and mates of foreign-going ships.

* See 140 *f.*

Engagement of Seamen.

(3.) The master of every foreign-going ship shall, before proceeding to sea, produce the certificate so to be given to him by the shipping master as aforesaid to the collector or comptroller of customs, and no officer of customs shall clear any such ship outwards without such production; and if any such ship attempts to go to sea without a clearance, any such officer may detain her until such certificate as aforesaid is produced:

(4.) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, deliver such agreement to a shipping master at the place; and such shipping master shall thereupon give to the master a certificate of such delivery; and no officer of customs shall clear any foreign-going ship inwards without the production of such certificate:

And if the master of any foreign-going ship fails to deliver the agreement to a shipping master at the time and in the manner hereby directed, he shall for every default incur a penalty not exceeding five pounds.

Rules as to production of agreements and certificates for home trade ships.

162. The following rules shall be observed with respect to the production of agreements and certificates of competency or service for home trade ships; (that is to say,)

(1.) In the case of home trade ships of more than eighty tons burden, no agreement shall extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her final port of destination in the United Kingdom after such date, or the discharge of cargo consequent upon such arrival:

(2.) The master or owner of every such ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some shipping master in the United Kingdom every agreement made within the six calendar months next preceding such days respectively, and shall also in the case of home trade passenger ships produce to the shipping master the certificates of competency or service* which the said master, and his first or only mate, as the case may be, are hereby required to possess:

(3.) The shipping master shall thereupon give to the master or owner a certificate of such delivery and production; and no officer of customs shall grant a clearance

* See 140 *f*

or transire for any such ship as last aforesaid without the production of such certificate; and if any such ship attempts to ply or go to sea without such clearance or transire, any such officer may detain her until the said certificate is produced:

And if the agreement for any home trade ship is not delivered or transmitted by the master or owner to a shipping master at the time and in the manner hereby directed, such master or owner shall for every default incur a penalty not exceeding five pounds.

162 *a.* The owner of home trade ships or his agent may enter into time agreements, in forms to be sanctioned by the Board of Trade, with individual seamen to serve in any one or more ships belonging to him, which agreements need not expire on either the thirtieth day of June or the thirty-first day of December, anything in the Merchant Shipping Act to the contrary notwithstanding: Provided always, that a duplicate of each agreement entered into under the provisions of the section be forwarded to the Registrar General of Shipping within forty-eight hours after it has been entered into. (Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 16.)

Owner or agent of home trade ships may enter into time agreements which need not expire half-yearly.

163. Every erasure, interlineation, or alteration in any such agreement with seamen as is required by the third part of this Act (except additions so made as herein-before directed for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation, or alteration by the written attestation (if made in Her Majesty's dominions) of some shipping master, justice, officer of customs, or other public functionary, or (if made out of Her Majesty's dominions) of a British consular officer, or, where there is no such officer, of two respectable British merchants.

Alterations to be void unless attested to have been made with the consent of all parties.

164. Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of any agreement, shall for each such offence be deemed guilty of a misdemeanor.

Penalty for falsifying agreement.

165. Any seaman may bring forward evidence to prove the contents of any agreement or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof.

Seamen not to be bound to produce agreement.

166. The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement (omitting the signatures) to be placed or posted up in such part of the ship as to be accessible to the crew, and in default

Copy of agreement to be made accessible to crew.

Engagement of Seamen.

shall for each offence incur a penalty not exceeding five pounds.

Seamen discharged before voyage to have compensation.

167. Any seaman who has signed an agreement, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the court hearing the case deems satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.*

Allotment of Wages.

Allotment of Wages.

Regulations as to allotment notes.

168. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made; and all allotment notes shall be in forms sanctioned by the Board of Trade.

Allotment notes may be sued on summarily by certain persons and under certain conditions.

169. The wife, or the father or mother, or the grandfather or grandmother, or any child or grandchild, or any brother or sister of any seaman in whose favour an allotment note of part of the wages of such seaman is made, may, unless the seaman is shown in manner herein-after mentioned to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, and subject, as to the wife, to the provision herein-after contained, sue for and recover the sums allotted by the note when and as the same are made payable, with costs, from the owner or any agent who has authorised the drawing of the note, either in the county court or in the summary manner in which seamen are by this Act enabled to sue for and recover wages not exceeding fifty pounds; and in any such proceeding it shall be sufficient for the claimant to prove that he or she is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorised agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either by the official statement of the change in the crew caused by his absence made and signed by the master, as by this Act is required, or by a duly certified copy of some entry in the official log book to the effect that he has left the ship, or by a credible letter from the master of the ship to the same effect, or by such other evidence, of whatever description, as the court in its

* As to agreements with Lascars, see ss. 544 and 544 *a*.

absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid: Provided that the wife of any seaman who deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall thereupon forfeit all right to further payments of any allotment of his wages which has been made in her favour.

Allotment of Wages.

Discharge and Payment of Wages.

Discharge and Payment of Wages.

170. In the case of all British foreign-going ships, in whatever part of Her Majesty's dominions the same are registered, all seamen discharged in the United Kingdom shall be discharged and receive their wages in the presence of a shipping master duly appointed under this Act, except in cases where some competent court otherwise directs; and any master or owner of any such ship who discharges any seaman belonging thereto, or, except as aforesaid, pays his wages within the United Kingdom in any other manner, shall incur a penalty not exceeding ten pounds; and in the case of home trade ships seamen may, if the owner or master so desires, be discharged and receive their wages in like manner.

Discharge from foreign-going ships to be made before shipping master.

171. Every master shall, not less than twenty-four hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping master, to such shipping master, a full and true account, in a form sanctioned by the Board of Trade, of his wages and of all deductions to be made therefrom on any account whatever, and in default shall for each offence incur a penalty not exceeding five pounds; and no deduction from the wages of any seaman (except in respect of any matter happening after such delivery) shall be allowed unless it is included in the account so delivered; and the master shall during the voyage enter the various matters in respect of which such deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce such book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to such payments.

Master to deliver account of wages.

172. Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of his discharge, in a form sanctioned by the Board of Trade, specifying the period of his service and the time and place of his discharge; and if any master fails to sign and give to any such seaman such certificate of discharge he shall for each such offence incur a penalty not exceeding ten pounds; and the master shall also, upon the discharge of every certificated mate whose certificate of competency or service has been delivered to and retained by him, return such certificate, and shall in default incur a penalty not exceeding twenty pounds.

On discharge, masters to give seamen certificates of discharge, and return certificates of competency or service to mates.

Discharge and Payment of Wages.

Shipping master may decide questions which parties refer to him

173. Every shipping master shall hear and decide any question whatever between a master or owner and any of his crew which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall in any legal proceeding which may be taken in the matter before any court of justice be deemed to be conclusive as to the rights of the parties; and no such submission or award shall require a stamp; and any document purporting to be such submission or award shall be primâ facie evidence thereof.

Master and others to produce ship's papers to shipping masters, and give evidence

174. In any proceeding relating to the wages, claims, or discharge of any seaman carried on before any shipping master under the provisions of this Act, such shipping master may call upon the owner or his agent, or upon the master or any mate or other member of the crew, to produce any log books, papers, or other documents in their respective possession or power relating to any matter in question in such proceeding, and may call before him and examine any of such persons being then at or near the place on any such matter; and every owner, agent, master, mate, or other member of the crew who when called upon by the shipping master does not produce any such paper or document as aforesaid, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable excuse for such default, for each such offence incur a penalty not exceeding five pounds.

Settlement of wages.

175. The following rules shall be observed with respect to the settlement of wages; (that is to say),

Release to be signed before and attested by the shipping master;

(1.) Upon the completion before a shipping master of any discharge and settlement, the master or owner and each seaman shall respectively in the presence of the shipping master sign in a form sanctioned by the Board of Trade a mutual release of all claims in respect of the past voyage or engagement, and the shipping master shall also sign and attest it, and shall retain and transmit it as herein directed:

To be discharge;

(2) Such release so signed and attested shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement:

and to be evidence

(3) A copy of such release certified under the hand of such shipping master to be a true copy shall be given by him to any party thereto requiring the same; and such copy shall be receivable in evidence upon any future question touching such claims as aforesaid, and shall have all the effect of the original of which it purports to be a copy:

No other receipt to be a discharge.

(4) In cases in which discharge and settlement before a shipping master are hereby required, no payment,

receipt, settlement, or discharge otherwise made shall operate or be admitted as evidence of the release or satisfaction of any claim:

Discharge and Payment of Wages.

(5.) Upon any payment being made by a master before a shipping master, the shipping master shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall as between the master and his employer be received as evidence that he has made the payments therein mentioned.

Voucher to be given to master and to be evidence.

176. Upon every discharge effected before a shipping master the master shall make and sign, in a form sanctioned by the Board of Trade, a report of the conduct, character, and qualifications of the persons discharged, or may state in a column to be left for that purpose in the said form that he declines to give any opinion upon such particulars or upon any of them; and the shipping master shall transmit the same to the Registrar General of Seamen, or to such other person as the Board of Trade directs, to be recorded, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him; and every person who makes, assists in making, or procures to be made any false certificate or report of the service, qualifications, conduct, or character of any seaman, knowing the same to be false, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or report, or who fraudulently makes use of any certificate or report or of any copy of any certificate or report which is forged or altered or does not belong to him shall for each such offence be deemed guilty of a misdemeanor.

Master to make reports of character.

176 *a*. Whenever it has been made to appear to Her Majesty that the government of any foreign state is desirous that any of the provisions of the Merchant Shipping Acts, 1854 to 1873, relating to the engagement and discharge of seamen, shall apply to the ships of such state, Her Majesty may by Order in Council declare that such of the said provisions as are in such order specified, shall, subject to the limitations, if any, contained in the order, apply, and thereupon, so long as the order remains in force, such provisions shall apply, subject to the said limitations, to the ships of such state, and to the owners, masters, officers, and crews of such ships, when not within the jurisdiction of such state, in the same manner in all respects as if such ships were British ships.

Power for Her Majesty, by Order in Council, to apply certain provisions of Merchant Shipping Acts to foreign ships.

It shall be lawful for Her Majesty from time to time by Order in Council to add to, alter, or repeal any order made under this section. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 11.)

Remittance of Wages and Savings Banks for Seamen.

Remittance of Wages and Savings Banks for Seamen.

Facilities may be given for remitting seamen's wages.

177. Facilities shall, if the Board of Trade so directs, be given for remitting the wages and other monies of seamen and apprentices to their relatives or other persons by means of money orders issued by shipping masters; and the Board of Trade may make regulations concerning such orders, and the persons by or to whom, and the mode and time in and at which, the same are to be paid, and may from time to time repeal or alter any such regulations; and all such regulations, so long as they are in force, shall be binding upon all persons interested or claiming to be interested in such orders, as well as upon the officers employed in issuing or paying the same; and no legal proceeding shall be instituted against the Board of Trade, or against any shipping master or other public officer employed about such orders, on account of any such regulations, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any such money order, unless such refusal, neglect, or omission, arise from fraud or wilful misbehaviour on the part of the person against whom proceedings are instituted.

Power to pay when order is lost.

178. The Board of Trade may, in any case in which it thinks fit so to do, cause the amount of any such money order as aforesaid to be paid to the person to whom or in whose favour the same may have been granted, or to his personal representatives, legatees, or next of kin, notwithstanding that such order may not be in his or their possession; and in all such cases from and after such payment the Board of Trade and every shipping master or other officer of the Board of Trade shall be freed from all liability in respect of such order.

Penalty for issuing money orders with fraudulent intent.

179. Every shipping master or other public officer who grants or issues any money order with a fraudulent intent shall in England or Ireland be deemed guilty of felony, and in Scotland of a high crime and offence, and shall be liable to be kept in penal servitude for a term not exceeding four years.

Savings banks for seamen may be established.

180. The Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, may, on the application and recommendation of the Board of Trade, establish savings banks at such ports and places within the United Kingdom, either in the shipping offices established in such ports or elsewhere, as may appear to be expedient, and may appoint treasurers to receive from or on account of seamen, or the wives and families of seamen, desirous to become depositors in such savings banks, deposits to an amount not exceeding one hundred and fifty pounds in the

whole in respect of any one account, under such regulations as may be prescribed by the said Commissioners or Comptroller General; and such regulations shall be binding on all such treasurers and depositors; and the said Commissioners may remove such treasurers, and appoint others in their place; and all the provisions of the Acts now in force relating to savings banks, except so far as relates to the annual amount of deposit, shall apply to all savings banks which may be established under the authority of this Act, and to such treasurers and depositors as aforesaid.

Remittance of Wages and Savings Banks for Seamen.

180 *a.* The enactment of the Merchant Shipping Act, 1854, relating to savings banks shall apply to all seamen, and to their wives and families, whether such seamen belong to the Royal Navy or to the merchant service, or to any other sea service. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 17.)

Enactment concerning savings banks extended to seamen in the Navy. 17 & 18 Vict. c. 104. s. 180.

180 *b.* The Board of Trade may establish in London a central savings bank for seamen, together with branch savings banks at such ports and places in the United Kingdom as they may think expedient, and they may receive at such banks deposits from or on account of seamen, or the wives, widows, and children of seamen, so, however, that the aggregate amount of deposit standing at any one time in the name of any one depositor shall not exceed two hundred pounds. (Seamen's Savings Banks Act, 1856, 19 & 20 Vict. c. 41. s. 1.)

Power to Board of Trade to establish savings banks for seamen.

180 *c.* The Board of Trade may constitute any shipping office established under the Merchant Shipping Act, 1854, a branch savings bank for the purposes of this Act, and may require any shipping master belonging to such office to act as agent of the said board in carrying this Act into effect, and his duties as such agent shall thereupon be deemed to be part of his duties within the meaning of the Merchant Shipping Act, 1854. (Seamen's Savings Banks Act, 1856, 19 & 20 Vict. c. 41. s. 2.)

Power to constitute shipping offices branch savings banks.

180 *d.* The Commissioners for the Reduction of the National Debt may from time to time, on the request of the Board of Trade signified by writing by one of the secretaries or assistant secretaries of such board, receive from Her Majesty's Paymaster General, the moneys received by the said board as deposits in savings banks established under this Act; and may also from time to time, on the like request signified in like manner, repay to Her Majesty's Paymaster General to the account of the said board the moneys so received by them as aforesaid; and the said Commissioners shall invest all moneys so received by them as aforesaid in the same manner in which moneys received from trustees of savings banks are

Commissioners for Reduction of National Debt to receive deposits and pay interest.

Remittance of Wages and Savings Banks for Seamen.

invested by them, and shall pay to Her Majesty's Paymaster General, to the account of the Board of Trade, interest upon the moneys so received by them as aforesaid so long as the same continue in their hands, at the same rate at which they pay interest for the time being upon the moneys received by them from the trustees of savings banks. (Seamen's Savings Banks Act, 1856, 19 & 20 Vict. c. 41. s. 3.)

Board of Trade to make regulations for conduct of savings banks

180 *e.* The Board of Trade may make and from time to time alter such regulations as they may think fit with respect to the persons entitled to become depositors, to the making and withdrawal of deposits, the amount of deposits, the rate and payment of interest, the rights, claims, and obligations of depositors, and with respect to all other matters incidental to carrying this Act into execution, and all regulations so made shall be binding on the parties interested in the subject matter thereof to the same extent as if such regulations formed part of this Act; and no legal proceeding shall be instituted against the Board of Trade, or against any shipping master or other public officer employed on or about such savings banks, on account of any such regulations, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any deposit or interest thereon, unless such refusal, neglect, or omission arise from fraud or wilful misbehaviour on the part of the person against whom proceedings are instituted. (Seamen's Savings Banks Act, 1856, 19 & 20 Vict c. 41. s. 4)

Application of deposits of deceased depositor.

180 *f.* All sums of money due from the Board of Trade to the estate of any deceased person entitled to any deposit in any savings bank established under this Act shall be paid and applied by such board to the same persons to whom and in the same manner and subject to the same conditions on and subject to which the money and effects of a deceased seaman are payable and applicable under the provisions of the Merchant Shipping Act, 1854 (Seamen's Savings Banks Act, 1856, 19 & 20 Vict. c. 41. s. 5.)

Punishment for forgery or for making false representations in order to obtain deposits or interest.

180 *g* Every person who, for the purpose of obtaining, either for himself or for another, any money deposited in any savings bank established under this Act, or any interest thereon, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document purporting to show or assist in showing a right to any such money or interest, and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid, or who for the purpose aforesaid gives or makes, or procures to be given or made, or assists in giving or making or procuring to be given or made, any false evidence or representation, knowing the same to be false, shall on conviction be punishable with

penal servitude for a term not exceeding four years, or with imprisonment, with or without hard labour, for any period not exceeding two years, or, if summarily prosecuted and convicted, by imprisonment, with or without hard labour, for any period not exceeding six months. (Seamen's Savings Banks Act, 1856, 19 & 20 Vict. c. 41. s. 6.)

Remittance of Wages and Savings Banks for Seamen.

180 *h*. The Board of Trade may, out of the interest paid by the Commissioners for the Reduction of the National Debt on the moneys paid to them under this Act, pay any expenses incurred in carrying this Act into effect. (Seamen's Savings Banks Act, 1856, 19 & 20 Vict. c. 41. s. 7.)

Expenses of Act how to be defrayed.

180 *i*. An annual account of all deposits received and repaid by the Board of Trade under the authority of this Act, and of the interest thereon, shall be laid before both Houses of Parliament; and a copy of all regulations made by this board under the authority of this Act shall likewise be laid before both Houses of Parliament. (Seamen's Savings Banks Act, 1856, 19 & 20 Vict. c. 41. s. 8.)

Accounts and copy of regulations to be laid before Parliament.

180 *j*. All criminal proceedings under this Act shall be carried on in the same manner as similar proceedings under the Merchant Shipping Act, 1854, and all rules of law, practice, and evidence which are applicable to such last-mentioned proceedings shall be applicable to criminal proceedings under this Act. (Seamen's Savings Banks Act, 1856, 19 & 20 Vict. c. 41. s. 9.)

Mode of criminal proceeding.

Merchant Seamen's Fund.

Seamen's Fund.

180 *k*. The Board of Trade shall undertake the general supervision of the business of winding up the fund in manner herein-after mentioned; and the two persons nominated to assist such board in the execution of the Mercantile Marine Act, 1850, shall assist such board in the execution of this Act; and such board may for the purpose of carrying this Act into execution appoint such officers, clerks, and servants as it may deem necessary, and make use of the General Register Office of Merchant Seamen, and may, if necessary for such purpose, increase the number of persons employed there, and may appoint additional remuneration to any persons now employed there upon whom additional duties are thrown by reason of this Act. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 4.)

Board of Trade to superintend the business of winding up the fund.

180 *l*. The president and governors and the several boards of trustees nominated under the provisions of the Act of the twentieth year of the reign of King George the Second, chapter thirty-eight, and of the Act of the fourth and fifth years of the reign of King William the Fourth, chapter fifty-two, or of either of such Acts, shall continue to exist, and to

Corporation and trustees nominated under provisions of 20 G. 2. c. 38. and 4 & 5 W. 4. c. 52. to con-

Seamen's Fund.

tinue so long as necessary for carrying this Act into effect.

have succession, or to be from time to time nominated, as provided by the said Acts or either of them, for such time and to such extent as are consistent with the provisions of this Act, and necessary for carrying the same into effect; and the said president and governors and boards of trustees (including the guild and brotherhood of the master and pilots seamen of the town and port of Kingston-upon-Hull, and the master, wardens, and commonalty of merchant venturers of the city of Bristol,) shall continue to have and exercise such of the powers granted to them respectively by the said Acts or either of them as are consistent with the provisions of this Act; but no trustees shall be appointed at any outport at which they have not been appointed before the passing of this Act. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 5.)

No trustees to be appointed where there have hitherto not been any.

In certain cases the Board of Trade may suspend the functions of the president and governors or trustees.

180*m*. If the said president and governors, or any of the boards of trustees at outports, fail to be duly chosen or constituted, or resign, or neglect or refuse to discharge their duties in respect of the fund, or to obey any of the provisions of this Act, or any regulations or orders lawfully issued in pursuance thereof, the Board of Trade may, by letter to be signed by one of the secretaries or assistant secretaries to such board, declare the functions of the said president and governors or of any such board of trustees (as the case may be) in respect of the fund to be suspended, and the said corporation or board of trustees shall thereupon cease, so long as such suspension continues, to have any rights or powers in respect thereof, and shall deliver all property and matters relating to the said fund to the Board of Trade, or as it directs; but no such suspension shall relieve the said president and governors, or any such board of trustees, from the obligation of making any payments, transfers, deliveries, returns, accounts, or explanations which the Board of Trade is hereby authorised to require. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 6.)

Their functions in that case may be undertaken by Board of Trade, or committed to local marine board.

180*n*. In any case in which the functions of the said president and governors or of any of the boards of trustees of outports are suspended as herein-before mentioned, the Board of Trade may, in its discretion, either take into its own hands the entire management of that portion of the fund with reference to which such functions are suspended, or, if there is a local marine board at the port willing to undertake the same, may commit the functions of the said president and governors or of such board of trustees, as the case may be, or any part of such functions, to such local marine board, and may at any subsequent time, if it thinks fit, resume the same or any part thereof. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 7.)

Shipping masters appointed under

180*o*. At each port the shipping masters appointed under the Mercantile Marine Act, 1850, or such of the said shipping

masters, if more than one, as the Board of Trade directs, shall be the receivers of such contributions to the fund from masters and seamen as may be payable under the provisions hereinafter contained; and in the case of shipping masters appointed by a local marine board constituted under the said last-mentioned Act, such board may, with the sanction of the Board of Trade, and in other cases the Board of Trade may appoint any clerks or servants to assist the shipping masters in the discharge of their duties as receivers; and the Board of Trade may sanction such remuneration (if any) as it may deem necessary for the discharge of such duties. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 8.)

Seamen's Fund.

the Mercantile Marine Act 13 & 14 Vict. c. 93. ss. 35, 42, 43. to act as receivers.

180 *p*. The several persons now employed by the said president and governors or by the said boards of trustees at outports in any duties other than the collection of the duties payable under the said Acts shall, unless the Board of Trade otherwise directs, be continued in such employment, so far as the same may be requisite for the purposes of this Act; but the Board of Trade may alter and regulate the salaries or remuneration to be paid to such persons, and if it appears to such board that their services may be dispensed with, may dismiss them, and may commit the performance of their duties to the shipping masters above mentioned, or to any other persons whom it may appoint for the purpose, and may also, in any cases in which it appears to such board just and proper so to do, grant to any persons so dismissed, and also to any persons now employed in the collection of duties, a fair and moderate compensation for any loss they may sustain by reason of this Act. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 9.)

Persons now employed in distributing relief, &c. may be continued, with power to Board of Trade to regulate remuneration and to dismiss them.

180 *q*. No new officers or servants shall be appointed to assist in the administration of the fund, and no salaries or remuneration shall be granted or expenses incurred without the sanction of the Board of Trade. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 10.)

No new officer to be appointed without sanction of the Board of Trade.

180 *r*. The Board of Trade may require from all persons employed in the collection or distribution of the fund such security for the performance of their duties as it may consider expedient. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 11.)

Board of Trade may require security from all officers employed.

180 *s*. All salaries, remunerations, and compensations hereby authorised shall be first submitted to the Commissioners of Her Majesty's Treasury, for their approval. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 12.)

Salaries, &c. to be approved by Treasury.

180 *t*. All salaries, remunerations, and wages payable to any persons employed in the administration of the fund, and all expenses incurred in respect thereof, shall be defrayed out of

Salaries, &c. to be paid out of general fund.

Seamen's Fund.

the general fund herein-after mentioned, and all disbursements on account of the fund shall be made through the hands of the officers appointed for that purpose, and shall not be made by any other person or in any other manner. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 13.)

One general fund to be formed.

180 *u.* All moneys and property, whether real or personal, forming part of or belonging to the merchant seamen's fund or any branch thereof, as well capital stock, land, and securities, as yearly revenue and cash, and all moneys arising from contributions or otherwise accruing to the said fund, shall form one general fund for the purpose of meeting the various expenses hereby authorised. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 14.)

President and governors and trustees to apply property belonging to fund as Board of Trade directs.

180 *v.* Upon being required so to do by the Board of Trade, the president and governors and the several boards of trustees at outports shall pay and apply all moneys in their possession or power as trustees of the fund (except moneys held under gifts for special or local purposes, distinct from the general purposes of the fund at the port,) in such manner as the Board of Trade directs for the purpose of carrying into effect the provisions of this Act, and as to all other securities and property, whether real or personal, in their possession or power as trustees of the fund (except securities and property held for such special or local purposes as aforesaid) shall, as and when the Board of Trade directs, either sell, call in, and convert the same into money, and pay and apply the proceeds as the Board of Trade directs for the purpose aforesaid, or transfer the same to the Board of Trade, or retain the same in their present condition or investment for such period as the Board of Trade directs, and shall, until such payment and transfer as aforesaid, hold all such moneys, stock, securities, and property upon trust for giving effect to the provisions of this Act, and shall apply the same in such manner as the Board of Trade directs for the purpose aforesaid. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 15.)

Property held upon special trusts to be retained or transferred to new trustees, as the case may require.

180 *w.* If the president and governors or any such board of trustees as aforesaid of the fund have in their possession or power as trustees of the fund any moneys or other property, either real or personal, held upon trusts for special or local purposes, distinct from the general purposes of the fund at the port, they shall, so long as they continue to act as administrators of the fund, apply such moneys and property upon the trusts and for the purposes upon and for which the same ought according to law to be applied, and if they cease to act as administrators of the fund shall, upon being required so to do by the Board of Trade, pay and transfer such last-mentioned moneys and property to such new trustees as the Board of Trade appoints for the purpose; and whenever any subsequent

appointment of new trustees of such moneys and property is rendered necessary by death, resignation, or otherwise, the Board of Trade shall make the same, and such moneys and property shall be paid over and transferred to the new trustees so appointed from time to time as occasion requires; and all such new trustees as aforesaid shall hold and administer all moneys and property so paid and transferred upon the trusts and for the purposes last aforesaid. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 16.)

Seamen's Fund.

180 *x*. If in any case a question arises whether any moneys and property in the possession or power of the said president and governors or trustees are, under the provisions herein contained, applicable to the general purposes of the fund or to such special or local purposes as aforesaid, and any arrangement for settling such question is agreed to by such president or governors or trustees (as the case may be), and is approved of by the Board of Trade as a fair and proper arrangement, such moneys or property shall be applied in pursuance of such arrangement, and such application shall not be deemed to be a breach of trust. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 17.)

Provision for facilitating arrangements.

180 *y*. Immediately after the passing of this Act, or as soon as possible afterwards, the president and governors and the several existing boards of trustees shall render to the Board of Trade such account as it requires of all the moneys, stocks, securities, and property, whether real or personal, in their respective possession or power as trustees or managers of the fund, and shall distinguish such as are held for special or local purposes from such as are applicable for the general purposes of the fund, and shall specify the nature of such trusts, and shall, if required, deliver to the said commissioners all documents relating to any of such moneys, stock, securities, and property; and, notwithstanding anything herein contained, the said president and governors and boards of trustees shall, until the completion of the transfers, payments, accounts, returns, and deliveries which are directed by this Act, or which the Board of Trade is hereby authorised to require, continue to have such powers as may be necessary in order to effect the same. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 18.)

President and governors and trustees to give accounts;

and deliver documents;

and are to exist for the purpose of conveyance.

180 *z*. Every payment and transfer duly made as aforesaid shall be effectual in the law, and shall relieve the parties making the same from all liability in respect of any subsequent application of the moneys and property so paid or transferred; but nothing herein contained shall operate to release any person or corporate body from any liability arising from any

Payments, &c. to be valid, but not to operate as release from breach of trust.

Seamen's Fund

breach of trust previously committed by such person or body. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 19.)

No compulsory contributions in future.

180 *aa.* After the passing of this Act no master or seaman shall be compelled to pay any duty or contribution to the fund; but any duties which have become due to the fund, and have been deducted from wages before the passing of this Act, shall be paid to the Board of Trade, or in such manner as it directs; and any master or owner who neglects or refuses to make such payment shall, in addition to such payment, be liable to a penalty of twice the amount which he so neglects or refuses to pay. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 20.)

No one who has not contributed to be allowed to contribute.

180 *bb.* No master or seaman who has not contributed to the fund before the passing of this Act shall be allowed to contribute thereto, or to establish any claim for a pension or other relief for himself or for his wife or children. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 21.)

Those who have contributed to be allowed to continue.

180 *cc.* All masters and seamen who before the passing of this Act have contributed to the fund shall be allowed to continue to contribute thereto in manner herein-after mentioned, and shall in respect of their contributions be entitled to relief in the manner and subject to the conditions herein-after mentioned. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 22.)

Time of commencement of new system of contributions.

180 *dd.* The Board of Trade shall fix the time at which the contributions to be made after the passing of this Act are to commence, and shall give not less than one month's notice thereof by advertising the same in the London Gazette; but such time shall not be later than the first day of January one thousand eight hundred and fifty-two. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 23.)

Rate and mode of voluntary contribution for men discharged before a shipping master according to 13 & 14 Vict. c. 93. s. 96.

180 *ee.* In the case of masters who discharge their crews before a shipping master under the provisions of the Mercantile Marine Act, 1850, and of seamen who are so discharged, such voluntary contributions shall be as follows; (that is to say,) every master shall pay two shillings and every seaman one shilling for each calendar month of service, and the same respective sums for any further number of days of service exceeding twenty, and one half of such respective sums for any further number of days of service exceeding ten and not exceeding twenty, and one third of such respective sums for any further number of days not exceeding ten (such further numbers of days to be reckoned as one month, one half month, and one third of a month respectively); and such service shall in the case of masters and seamen respectively be reckoned

from the day of their respectively signing the agreement to the day of their discharge inclusive; and such voluntary contributions shall be paid to such shipping master as aforesaid at the time of the discharge. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 24.)

Seamen's Fund.

180 *ff.* In the case of masters and seamen who do not attend before a shipping master for the purpose of discharge, such voluntary contributions as aforesaid shall be paid after the rate and in the manner following; that is to say, sixteen shillings shall be deemed to be the yearly contribution for a master and eight shillings the yearly contribution for a seaman, and so in proportion for any shorter period, and such sums shall be deemed to be payable quarterly in advance; and each master and seaman who wishes to contribute shall from time to time attend before some shipping master at stated periods to be appointed for the purpose by the Board of Trade, and shall then pay to him such proportion of his yearly contribution as he may think fit, so nevertheless that each such payment made at one time be either two shillings or some multiple of two shillings. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 25.)

Rate and mode of voluntary contribution for men not discharged before a shipping master.

180 *gg.* In the case of seamen who enter the Royal Navy and who desire to continue their contributions to the fund, such contributions shall be according to the rate herein-before fixed for the case of seamen who are not discharged before a shipping master, and shall be paid in such manner as the Board of Trade directs. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 26.)

Provision for the case of men entering the navy.

180 *hh.* The Board of Trade shall fix a time at which grants of pensions to be made in pursuance of this Act are to commence, and shall give not less than one month's notice thereof by advertising the same in the London Gazette; but such time shall not be later than the first day of January one thousand eight hundred and fifty-two (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 39.)

Objects of Relief.

Time of commencement of new system of pensions.

180 *ii.* Until such time as last aforesaid the said president and governors and boards of trustees may continue to grant pensions or other relief in the manner directed by the said recited Acts, but the Board of Trade shall have power to disallow any pensions or other relief so granted; and unless the Board of Trade otherwise directs, the aggregate pensions granted at any port during the year ending with such time as last aforesaid shall not exceed in annual amount or in total value the aggregate pensions granted at such port in the preceding twelve months, and any grants of pensions made after such amount or value has been reached shall be void. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 40.)

Until then pensions may be granted as heretofore.

Aggregate pensions at each port not to exceed those of preceding years.

Seamen's Fund.

Present pensions not to be diminished.

180 *jj*. Subject to the provision lastly herein-before contained, every person, of whatever age or sex, to whom any pension is duly granted before such time as last aforesaid, shall continue to receive such pension. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 41.)

No seamen to earn pensions unless they contribute for five years.

180 *kk*. After the time last aforesaid no pensions shall be granted, except to masters and seamen, or to the widows and children of masters and seamen, who have contributed to the fund for an aggregate period of sixty months, such contributions to have been made either altogether before the passing of this Act in the manner directed by the said recited Acts, or partly before that time in such manner as last aforesaid, and partly after the time to be fixed for the commencement of future contributions in the manner herein-before provided in that behalf. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 42.)

Failure to contribute for three years to be an abandonment of right to relief.

180 *ll*. Any seaman who after the time to be fixed for the commencement of future contributions, and before the termination of his last service at sea, ceases altogether for a continuous period of three years to pay his contribution to the fund, shall forfeit all claim to any relief for himself, his widow and children. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 43.)

Persons who are to be entitled to pensions.

180 *mm*. Subject as herein-before provided, such pensions and allowances as herein-after mentioned may be granted to any master or seaman who is rendered incapable of service by sickness, wounds, or other accidental misfortunes, or who becomes decrepit or worn out by age; and also to the widow and children of any master or seaman who is killed or drowned in the merchant service; and also to the widow and children of any master or seaman who has contributed for twenty-one years to the fund, or who is at the time of his death receiving or entitled to receive a pension; provided, in the case of such last-mentioned widow, that she was married to such master or seaman before he became entitled to relief, and, in the case of such last-mentioned children, that they are under the age of fourteen years, or are from infirmity incapable of getting a livelihood. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 44.)

Pensions to be on one uniform scale according to average rate of present pensions.

180 *nn*. The Board of Trade shall take such steps as it may think necessary for the purpose of collecting from the various rates of pension granted at the several ports in the United Kingdom during the five years preceding the first day of January one thousand eight hundred and fifty-one one average rate of pension for masters, seamen, widows, and children respectively, and shall frame and issue one uniform scale of pensions to be, so far as possible, in accordance with such average rate, and to be uniform for all ports in the United

Kingdom; and all grants of pensions made after the time to be fixed as aforesaid for commencing grants of pensions to be made in pursuance of this Act shall be in conformity with such scale as the Board of Trade shall issue for that purpose. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 45.).

Seamen's Fund.

180 *oo.* The rate of pensions for masters, and for the widows and children of masters, shall be twice the amount of pensions for seamen, and for the widows and children of seamen respectively. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 46.)

Masters pensions to be twice the rate of seamen's pensions.

180 *pp.* Provided, that in any case or class of cases in which it appears to the Board of Trade desirable so to do, such Board may commute any pension upon such terms as it thinks fit, and may also, as regards relief to widows and children, substitute gratuities for annual pensions, such gratuities to bear a fair proportion to the annual pension which would otherwise have been granted. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 47.)

Board of Trade may commute pensions and give gratuities to widows.

180 *qq.* The aggregate number of pensions or gratuities to be granted at any port to masters, seamen, widows, and children respectively in any one year shall not exceed the average yearly number of pensions granted at such port to the same classes of pensioners respectively during the five years preceding the first day of January one thousand eight hundred and fifty-one, except in any case in which the Board of Trade otherwise directs; and in granting pensions, care shall be taken that of seamen who are worn out or decrepit by age those who have been longest in the service, and have contributed most to the fund, shall be first provided for. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 48.)

Aggregate number of pensions in each port not to exceed average of last five years.

Those who have contributed longest to be first provided for.

180 *rr.* All acts done by any master or seaman for the purpose of charging or alienating the whole or any part of his pension shall be absolutely null and void. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 49.)

Pensions to be inalienable.

180 *ss.* Subject to the provisions herein-before contained, the Board of Trade may determine and regulate the principles and conditions upon which and the manner in which pensions or other relief are to be granted under this Act; and the said president and governors, and all boards of trustees, or other local administrators of the fund, shall exercise any powers of granting pensions or other relief which may be vested in them in accordance with any regulations issued for that purpose by the Board of Trade in pursuance of this Act. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 50.)

Board of Trade may regulate the right to relief, subject as above mentioned.

Seamen's Fund.

President and governors and trustees, unless suspended to distribute relief.

180 *tt.* In London and in the outports under the management of the said president and governors, such president and governors, unless suspended as herein-before mentioned, and their officers, shall undertake the duty of ascertaining the persons who, under the provisions herein-before contained, or any regulations made in pursuance thereof, are entitled to relief, and in outports having boards of trustees, such trustees and their officers, unless suspended as aforesaid, shall undertake such duty; and in case of any such suspension as aforesaid the local marine board of the port, if appointed to act in administering the fund under the powers herein-before contained, or such persons as the Board of Trade may appoint for that purpose, shall undertake such duty; and if in any case it appears to the Board of Trade that any pension or other relief is granted or refused in a manner inconsistent with the provisions of this Act, or with any regulations issued by virtue of powers herein contained, the Board of Trade may disallow such grant or refusal, and either withhold, grant, or alter the relief as the case may require. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 52.)

Board of Trade to make regulations as to applications for pensions.

180 *uu.* The Board of Trade may make regulations as to the times and places at which and the manner in which applications for pensions or other relief are to be made, and as to the evidence to be required, and may also, subject to the express provisions herein contained, make regulations as to the time, place, and manner of distributing the same. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 53.)

Certificates to be exempt from stamp duty and from fees to consuls.

180 *vv.* All certificates, receipts, or other documents used by or under the directions of the Board of Trade in carrying the provisions of this Act into execution shall be exempt from stamp duty, and any certificates or other documents which may be required from any consul or vice-consul for the purpose of proving claims to pensions or other relief under this Act shall be given by him without fee. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 54.)

Punishment for forgery and personation.

180 *ww.* Every person who, for the purpose of obtaining, either for himself or for another, any pension, payment, or relief from the fund, fraudulently forges or alters, or procures to be forged or altered, or assists in forging or altering, any certificate or other document purporting to show or assist in showing a right to such pension, payment, or relief, and every person who for the purpose aforesaid fraudulently makes use of any forged or altered certificate or other such document as aforesaid, or any certificate or other such document as aforesaid not belonging to him, or who for the purpose aforesaid gives or makes or procures to be given or made, or assists in giving or procuring to be given or made, any false evidence or representation, knowing the same to be false, shall be punish-

Seamen's Fund.

able with transportation for seven years, or may be summarily prosecuted before two or more justices, or in Scotland before two or more justices or the sheriff, and punished upon conviction by imprisonment for a period not exceeding six months, with or without hard labour. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 55.)*

Accountant for the purposes of this Act.

180 *xx.* The person appointed for the time being to act as accountant to the Board of Trade in carrying into effect the provisions of this Act shall be the person who is to render the accounts of that board under this Act to the Commissioners of Audit, or other persons undertaking the audit thereof. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 57.)

All persons engaged in administering the funds to make returns to the Board of Trade.

180 *yy.* The president and governors and all boards of trustees or other persons engaged in the administration of the fund shall keep their accounts in such manner as the Board of Trade directs, and shall also from time to time give to the Board of Trade such returns and accounts, and explanations in respect of all matters relating to the fund, whether past, present, or future, as it may require. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 58.)

General return to be made and laid before Parliament.

180 *zz.* On or before the first day of March in every year after the year one thousand eight hundred and fifty-two the Board of Trade shall cause to be made out a report for the past year, in such form as they may think fit, containing the following particulars:

1. The total amount of receipts and disbursements for the year under their several heads:
2. The total amount of money in hand at the end of the preceding year, including the balance at the Bank of England, and any sums which may be outstanding in the hands of receivers:
3. The total amount of the capital belonging to the fund, with the several investments thereof, distinguishing such capital as is still outstanding, and such debts and investments as are considered bad or doubtful:
4. The number of pensioners, distinguishing between men, women, and children, and between different scales of pension, and the total amount of pensions in each class:
5. The number and amount of the whole of the pensions, and of each class of pensions, granted in the year:
6. The number and amount of the whole of the pensions, and of each class of pensions, expired in the year:
7. The amount of salaries and expenses of management:

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* See s. 529 *a*.

Seamen's Fund.

8. A statement of the money and securities applicable to private trusts, with a general account of the nature of the trusts, and of the income and expenditure in respect thereof:

And such other particulars as the Board of Trade may deem expedient:

And such report shall be laid before each House of Parliament in the month of March, in every year, if Parliament is then sitting, or if not within one month after the next meeting thereof. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 59.)

Legal Proceedings.

Orders, &c. published in Gazette to be evidence.

180 3*a*. All notices published in the London Gazette, and purporting to be notices or copies of any orders or regulations issued by the Board of Trade in pursuance of this Act, shall be taken as evidence of such orders or regulations, without further proof. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 60.)

Procedure to be same as under Mercantile Marine Act.

180 3*b*. All penalties and other sums of money hereby made recoverable may be recovered in the same manner as penalties and sums of money recoverable under the Mercantile Marine Act, 1850, and shall be paid to the Board of Trade, for the purposes of the fund; and all rules of law, practice, and evidence which are by the said Mercantile Marine Act, 1850, made applicable to legal proceedings thereunder, shall be applicable to proceedings under this Act. (Seamen's Fund Winding-up Act, 1851, 14 & 15 Vict. c. 102. s. 61.)*

Property belonging to Merchant Seamen's Fund to be paid into Exchequer.

180 3*c*. All moneys which under "The Seamen's Fund Winding-up Act, 1851," now are or may hereafter become part of or applicable to the purposes of the general fund therein mentioned, shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Commissioners of Her Majesty's Treasury may direct; and all property, not being money so forming part of or being applicable to the purposes of the said fund as aforesaid, shall be sold, and the produce thereof shall be paid into the receipt of Her Majesty's Exchequer in like manner; and all moneys so paid into the receipt of Her Majesty's Exchequer shall be carried to and made part of the Consolidated Fund of the United Kingdom. (Merchant Shipping Law Amendment Act, 1853, 16 & 17 Vict. c. 131. s. 28.)

Expenses of Merchant Seamen's Fund to be provided for by annual vote.

180 3*d*. The several payments and expenses which by the said "Seamen's Fund Winding-up Act, 1851," are charged partly on the said general fund therein mentioned, and partly on the Consolidated Fund of the United Kingdom of Great Britain and Ireland, shall, except as regards the payment to

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* See s. 529 *a*.

the Seamen's Hospital Society herein-after mentioned, be provided for by annual votes of Parliament. (Merchant Shipping Law Amendment Act, 1853, 16 & 17 Vict. c. 131. s. 29.)

Legal Proceedings.

Legal Rights to Wages.

Legal Rights to Wages.

181. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to wages and provisions, when to begin.

182. No seaman shall by any agreement forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his right to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.*

Seamen not to give up certain rights.

182 *a*. It is hereby declared that the 182d section of the principal Act does not apply to the case of any stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by such ship to any other ship or ships. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 18.)

Construction of sect. 182. of principal Act. Stipulations concerning salvage.

183. No right to wages shall be dependent on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo, and stores shall bar his claim.

Wages not to be dependent on the earning of freight.

184. If any seaman or apprentice to whom wages are due under the last preceding enactment dies before the same are paid, they shall be paid and applied in the manner herein-after specified with regard to the wages of seamen who die during a voyage.

In case of death, such wages to be paid as after mentioned.

185. In cases where the service of any seaman terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such

Rights to wages in case of termination of service by wreck or illness.

* See s. 149 *b*.

Legal Rights to Wages.

service terminates before such period as aforesaid by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage granted as herein-after mentioned, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Wages not to accrue during refusal to work or imprisonment.

186. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Period within which wages are to be paid.

187. The master or owner of every ship shall pay to every seaman his wages within the respective periods following; (that is to say,) in the case of a home trade ship within two days after the termination of the agreement or at the time when such seaman is discharged, whichever first happens; and in the case of all other ships (except ships employed in the southern whale fishery or on other voyages for which seamen by the terms of their agreement are wholly compensated by shares in the profits of the adventure) within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and in all cases the seaman shall at the time of his discharge be entitled to be paid on account a sum equal to one fourth part of the balance due to him; and every master or owner who neglects or refuses to make payment in manner aforesaid, without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods aforesaid, and such sum shall be recoverable as wages.

Mode of recovering Wages.

Seamen may sue for wages in a summary manner.

Mode of recovering Wages.

188. Any seaman or apprentice, or any person duly authorised on his behalf, may sue in a summary manner before any two justices of the peace acting in or near to the place at which the service has terminated, or at which the seaman or apprentice has been discharged, or at which any person upon whom the claim is made is or resides, or in Scotland either before any such justices or before the sheriff of the county within which any such place is situated, for any amount of wages due to such seaman or apprentice not exceeding fifty pounds over and above the costs of any proceeding for the recovery thereof, so soon as the same becomes payable; and every order made by such justices or sheriff in the matter shall be final.

Mode of recovering Wages.

189. No suit or proceeding for the recovery of wages under the sum of fifty pounds shall be instituted by or on behalf of any seaman or apprentice in any Court of Admiralty or Vice-Admiralty, or in the Court of Session in Scotland, or in any superior court of record in Her Majesty's dominions, unless the owner of the ship is adjudged bankrupt or declared insolvent, or unless the ship is under arrest or is sold by the authority of any such court as aforesaid, or unless any justices acting under the authority of this Act refer the case to be adjudged by such court, or unless neither the owner nor master is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

Restrictions on suits for wages in superior courts.

189 *a*. *The High Court of Admiralty shall have jurisdiction over any claim by a seaman of any ship for wages earned by him on board the ship, whether the same be due under a special contract or otherwise, and also over any claim by the master of any ship for wages earned by him on board the ship, and for disbursements made by him on account of the ship: Provided always, that if in any such cause the plaintiff do not recover fifty pounds, he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said Court. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 10.)

As to claims for wages and for disbursements by master of a ship.

189 *b*. Any county court having Admiralty jurisdiction shall have jurisdiction, and all powers and authorities relating thereto, to try and determine, subject and according to the provisions of this Act, the following causes (in this Act referred to as Admiralty causes):

Extent of Admiralty jurisdiction of county courts.

(1.) As to any claim for salvage—Any cause in which the value of the property saved does not exceed one thousand pounds, or in which the amount claimed does not exceed three hundred pounds:

(2.) As to any claim for towage, necessaries, or wages—Any cause in which the amount claimed does not exceed one hundred and fifty pounds:

(3.) As to any claim for damage to cargo, or damage by collision—Any cause in which the amount claimed does not exceed three hundred pounds:

(4.) Any cause in respect of any such claim or claims as aforesaid, but in which the value of the property saved or the amount claimed is beyond the amount limited as above mentioned, when the parties agree by a memorandum signed by them or by their attorneys or agents that any county court having Admiralty jurisdiction, and specified in the memorandum, shall have jurisdiction. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 3.)

* Similar jurisdiction given to Irish Court of Admiralty by 30 & 31 Vict. c. 114. s. 33.; and see ss. 74 *et seq.* of that Act.

Mode of recovering Wages.

Restrictions on proceedings in the Court of Admiralty or superior court.

189 *c.* If any person shall take in the High Court of Admiralty of England or in any superior court proceedings which he might, without agreement, have taken in a county court, except by order of the judge of the High Court of Admiralty or of such superior court or of a county court having Admiralty jurisdiction, and shall not recover a sum exceeding the amount to which the jurisdiction of the county court in that Admiralty cause is limited by this Act, and also if any person without agreement shall, except by order as aforesaid, take proceedings as to salvage in the High Court of Admiralty or in any superior court in respect of property saved, the value of which when saved does not exceed one thousand pounds, he shall not be entitled to costs, and shall be liable to be condemned in costs, unless the judge of the High Court of Admiralty or of a superior court before whom the cause is tried or heard shall certify that it was a proper Admiralty cause to be tried in the High Court of Admiralty of England or in a superior court. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 9.)

No seaman to sue for wages abroad, except in cases of discharge or of danger to life.

190. No seaman who is engaged for a voyage or engagement which is to terminate in the United Kingdom shall be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as herein required, and with the written consent of the master, or proves such ill-usage on the part of the master or by his authority as to warrant reasonable apprehension of danger to the life of such seaman if he were to remain on board; but if any seaman on his return to the United Kingdom proves that the master or owner has been guilty of any conduct or default which but for this enactment would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages such compensation, not exceeding twenty pounds, as the court hearing the case thinks reasonable.

Master to have same remedies for wages as seamen.

191. Every master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages which by this Act or by any law or custom any seaman, not being a master, has for the recovery of his wages; and if in any proceeding in any court of admiralty or vice-admiralty touching the claim of a master to wages any right of set-off or counter-claim is set up, it shall be lawful for such court to enter into and adjudicate upon all questions and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

Relief to Seamen's Families out of Poor Rates.

Relief to Seamen's Families out of Poor Rates.

Relief to seamen's

192. Whenever during the absence of any seaman on a voyage his wife, children, and step-children, or any of them,

become or becomes chargeable to any union or parish in the United Kingdom, such union or parish shall be entitled to be reimbursed out of the wages of such seaman earned during such voyage any sums properly expended during his absence in the maintenance of his said relations, or any of them, so that such sums do not exceed the following proportions of his said wages; (that is to say,)

Relief to Seamen's Families out of Poor Rates.

families to be chargeable on a certain proportion of their wages.

(1.) If only one of such relations is chargeable, one half of such wages:

(2.) If two or more of such relations are chargeable, two thirds of such wages:

But if during the absence of the seaman any sums have been paid by the owner to or on behalf of any such relation as aforesaid, under an allotment note given by the seaman in his, her, or their favour, any such claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages herein-before mentioned over the sums so paid.

193. For the purpose of obtaining such reimbursement as aforesaid, the guardians of the union or parish, where the relief of the poor is administered by guardians, and the overseers of the poor of any other parish in England, and the guardians or other persons having the authority of guardians in any union in Ireland, and the inspector of the poor in Scotland, may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make the claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring such owner immediately on such return to give to such guardians, overseers, persons, or inspector notice in writing of such return; and such owner, after receiving such notice as aforesaid, shall be bound to retain the said proportion of wages, and to give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim; and the said guardians, overseers, persons, or inspector may upon the seaman's return apply in a summary way in England or Ireland to any two justices having jurisdiction in such union or parish as aforesaid, and in Scotland to the sheriff of the county, for an order for such reimbursement as aforesaid; and such justices or sheriff may hear the case, and may make an order for such reimbursement to the whole extent aforesaid, or to such lesser amount as they or he may under the circumstances think fit; and the owner shall pay to such guardians, overseers, persons, or inspector, out of the seaman's wages, the amount so ordered to be paid by way of reimbursement, and shall pay the remainder of the said wages to the seaman; and if no such

Notice to be given to owner, and charge to be enforced on the return of the seaman.

Relief to Seamen's Families out of Poor Rates.

order as aforesaid is obtained within the period mentioned in the notice so to be given to the owner as aforesaid, the proportion of wages so to be retained by him as aforesaid shall immediately on the expiration of such period, and without deduction, be payable to the seaman.

Wages and Effects of deceased Seamen.

Wages and Effects of deceased Seamen.

Masters to take charge of or sell effects of deceased seamen which are on board, and enter the same and wages due in the official log.

194. Whenever any seaman or apprentice belonging to or sent home in any British ship, whether a foreign-going ship or a home trade ship, employed on a voyage which is to terminate in the United Kingdom, dies during such voyage, the master shall take charge of all money, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of the said clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log book containing the following particulars; (that is to say,)

(1.) A statement of the amount of the money and a description of the effects so left by the deceased:

(2.) In case of a sale, a description of each article sold, and the sum received for each:

(3.) A statement of the sum due to the deceased as wages, and the total amount of the deductions (if any) to be made therefrom:

And shall cause such entry to be attested by a mate and by one of the crew.

Recovery of wages, &c. of seamen lost with their ship.

194 *a.* The wages of seamen or apprentices who are lost with the ship to which they belong shall be dealt with as follows; (that is to say,)

(1.) The Board of Trade may recover the same from the owner of the ship in the same manner in which seamen's wages are recoverable:

(2.) In any proceedings for the recovery of such wages, if it is shown by some official return produced out of the custody of the Registrar General of Seamen or by other evidence that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, and if it is not shown that she has been heard of within twelve months after such departure, she shall be deemed to have been lost with all hands on board, either immediately after the time she was last heard of or at such later time as the court hearing the case may think probable:

(3.) The production out of the custody of the Registrar General of Seamen or of the Board of Trade of any duplicate agreement or list of the crew made out at the time of the last departure of the ship from the United Kingdom, or of a certificate pur-

Wages and Effects of deceased Seamen.

porting to be a certificate from a consular or other public officer at any port abroad, stating that certain seamen or apprentices were shipped in the ship from the said port, shall, in the absence of proof to the contrary, be sufficient proof that the seamen or apprentices therein named were on board at the time of the loss:

(4.) The Board of Trade shall deal with such wages in the manner in which they deal with the wages of other deceased seamen and apprentices under the principal Act. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 21.)

Such effects and wages to be paid either to consul or to shipping master, with full accounts.

195. In the cases provided for by the last preceding section,* the following rules shall be observed; (that is to say,)

(1.) If the ship proceeds at once to any port in the United Kingdom without touching on the way at any foreign port, the master shall within forty-eight hours after his arrival deliver any such effects as aforesaid remaining unsold, and pay any money which he has taken charge of or received from such sale as aforesaid, and also the balance of wages due to the deceased, to the shipping master at the port of destination in the United Kingdom:

(2.) If the ship touches and remains for forty-eight hours at some foreign port or at some port in Her Majesty's dominions abroad before coming to any port in the United Kingdom, the master shall report the case to the British consular officer or officer of customs there, as the case may be, and shall give to such officer any information he requires as to the destination of the ship and probable length of the voyage; and such officer may thereupon, if he considers it expedient so to do, require the said effects, money, and wages to be delivered and paid to him, and shall upon such delivery and payment give to the master a receipt, and the master shall within forty-eight hours after his arrival at his port of destination in the United Kingdom produce the same to the shipping master there; and such consular officer or officer of customs shall in such case indorse and certify upon the agreement with the crew such particulars with respect to such delivery and payment as the Board of Trade requires:

(3.) If such officer as aforesaid does not require such payment and delivery to be made to him, the master shall take charge of the said effects, money, and wages, and shall within forty-eight hours after his

* See s. 194.

Wages and Effects of deceased Seamen.

arrival at his port of destination in the United Kingdom deliver and pay the same to the shipping master there:

(4.) The master shall in all cases in which any seaman or apprentice dies during the progress of a voyage or engagement give to the Board of Trade, or to such officer or shipping master as aforesaid, an account in such form as they respectively require of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified, if there is any official log book, by such entry therein as herein-before required, and also by such other vouchers (if any) as may be reasonably required by the Board of Trade, or by the officer or shipping master to whom the account is rendered:

(5.) Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United Kingdom, the shipping master shall grant to the master a certificate to that effect, and no officer of customs shall clear inwards any foreign-going ship without the production of such certificate.

Penalties for not taking charge of, remitting, or accounting for such moneys and effects.

196. If any master fails to take such charge of the money or other effects of a seaman or apprentice dying during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as herein-before respectively directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the Board of Trade, and shall pay and deliver the same accordingly; and such master shall in addition for every such offence incur a penalty not exceeding treble the value of the money or effects not accounted for, or, if such value is not ascertained, not exceeding fifty pounds; and if any such money, wages, or effects are not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty which is herein-before mentioned as incurred by the master for the like offence; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same courts and by the same modes of proceeding by which seamen are hereby enabled to recover wages due to them.

Wages and Effects of deceased Seamen.

Officers of customs and consuls to take charge of effects left by seamen abroad, and to remit the same and their wages to Board of Trade.

197. If any such seaman or apprentice as last aforesaid [or if any seaman or apprentice who has within the six months immediately preceding his death belonged to a British ship*] dies abroad at any place either in or out of Her Majesty's dominions leaving any money or effects not on board his ship, the chief officer of customs or the British consular officer at or nearest to the place, as the case may be, shall claim and take charge of such money and effects; and such officer shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions herein-before contained; and every such officer shall, quarterly or at such other times as the Board of Trade directs, remit to Her Majesty's Paymaster General all moneys belonging to or arising from the sale of the effects of or paid as the wages of any deceased seamen or apprentices which have come to his hands under the provisions herein-before contained, and shall render such accounts in respect thereof as the Board of Trade requires.

Wages and effects of seamen dying at home to be paid in certain cases to Board of Trade.

198. Whenever any seaman or apprentice dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of any ship in which he has served any unpaid wages or effects, such master or owner shall pay and deliver or account for the same to the shipping master at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as it directs.

If less than 50*l.*, wages and property of deceased seaman may be paid over without probate or administration to the persons entitled.

199. If the money and effects of any deceased seaman or apprentice paid, delivered, or remitted to the Board of Trade or its agents, including the moneys received for any part of the said effects which have been sold either before delivery to the Board of Trade or by its direction, do not exceed in value the sum of fifty pounds, then, subject to the provisions herein-after contained, and to all such deductions for expenses incurred in respect of the seaman or apprentice or of his said money and effects as the said Board thinks proper to allow, the said Board may, if it thinks fit so to do, pay and deliver the said money and effects either to any claimants who can prove themselves to the satisfaction of the said Board either to be his widow or children, or to be entitled to the effects of the deceased under his will (if any), or under the Statutes for the distribution of the effects of intestates, or under any other Statute, or at common law, or to be entitled to procure probate or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered, or may, if it thinks fit so to do, require probate

* Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 20.

Wages and Effects of deceased Seamen.

or letters of administration or confirmation to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and all claimants to whom such money or effects are so paid or delivered shall apply the same in due course of administration; and if such money and effects exceed in value the sum of fifty pounds, then, subject to the provisions herein-after contained and to deduction for expenses, the Board of Trade shall pay and deliver the same to the legal personal representatives of the deceased.

Mode of payment under wills made by seamen.

200. In cases where the deceased seaman or apprentice has left a will, the Board of Trade shall have the following powers; (that is to say,)

(1.) It may in its discretion refuse to pay or deliver any such wages or effects as aforesaid to any person claiming to be entitled thereto under a will made on board ship, unless such will is in writing, and is signed or acknowledged by the testator in the presence of the master or first or only mate of the ship, and is attested by such master or mate:

(2.) It may in its discretion refuse to pay or deliver any such wages or effects as aforesaid to any person not being related to the testator by blood or marriage who claims to be entitled thereto under a will made elsewhere than on board ship, unless such will is in writing, and is signed or acknowledged by the testator in the presence of two witnesses, one of whom is some shipping master appointed under this Act, or some minister or officiating minister or curate of the place in which the same is made, or, in a place where there are no such persons, some justice of the peace, or some British consular officer, or some officer of customs, and is attested by such witnesses:

Whenever any claim made under a will is rejected by the Board of Trade on account of the said will not being made and attested as herein-before required, the wages and effects of the deceased shall be dealt with as if no will had been made.

Provision for payment of just claims by creditors and for preventing fraudulent claims.

201. The following rules shall be observed with respect to creditors of deceased seamen and apprentices; (that is to say,)

(1.) No such creditor shall be entitled to claim from the Board of Trade the wages or effects of any such seaman or apprentice or any part thereof by virtue of letters of administration taken out by him, or by virtue of confirmation in Scotland as executor creditor:

(2.) No such creditor shall be entitled by any means whatever to payment of his debt out of such wages and

effects, if the debt accrued more than three years before the death of the deceased, or if the demand is not made within two years after such death:

Wages and Effects of deceased Seamen.

(3.) Subject as aforesaid, the steps to be taken for procuring payment of such debt shall be as follows (that is to say): Every person making a demand as creditor shall deliver to the Board of Trade an account in writing in such form as it requires, subscribed with his name, stating the particulars of his demand and the place of his abode, and verified by his declaration made before a justice:

(4.) If before such demand is made any claim to the wages and effects of the deceased made by any person interested therein as his widow or child, or under a will or under the Statutes for the distribution of the effects of intestates, or under any other Statute, or at common law, has been allowed, the Board of Trade shall give notice to the creditor of the allowance of such person's claim, and the creditor shall thereupon have the same rights and remedies against such person as if he or she had received the said wages and effects as the legal personal representative of the deceased:

(5.) If no claim by any such person has been allowed, the Board of Trade shall proceed to investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers, and papers relating thereto; and if by such means the creditor duly satisfies the Board of Trade of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the assets in the hands of the Board of Trade will extend for that purpose, and such payment shall discharge the Board of Trade from all further liability in respect of the money so paid; but if such Board is not so satisfied, or if such books, accounts, vouchers, or papers as aforesaid are not produced, and no sufficient reason is assigned for not producing them, the demand shall be disallowed:

(6.) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand; and if in the course of that time a claim to the wages and effects of the deceased is made and substantiated as herein-before required by any person interested therein as a widow or child, or under a will, or

Wages and Effects of deceased Seamen.

under the Statutes for the distribution of the effects of intestates, or under any other Statute, or at common law, the Board of Trade may pay and deliver the same to such person; and thereupon the creditor shall have the same rights and remedies against such person as if he or she had received the same as the legal personal representative of the deceased.

Mode of dealing with unclaimed wages of deceased seamen.

202. In cases of wages or effects of deceased seamen or apprentices received by the Board of Trade to which no claim is substantiated within six years after the receipt thereof by such Board, it shall be in the absolute discretion of such Board, if any subsequent claim is made, either to allow or to refuse the same; and, subject to the provision herein-after contained, the Board of Trade shall from time to time pay any moneys arising from the unclaimed wages and effects of deceased seamen, which in the opinion of such Board it is not necessary to retain for the purpose of satisfying claims, into the receipt of Her Majesty's Exchequer in such manner as the Treasury directs, and such moneys shall be carried to and form part of the Consolidated Fund of the United Kingdom.

Punishment for forgery and false representations in order to obtain wages, &c. of deceased seamen.

203. Every person who, for the purpose of obtaining, either for himself or for another, any money or effects of any deceased seaman or apprentice, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document purporting to show or assist in showing a right to such wages or effects, and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid, or who for the purpose aforesaid gives or makes or procures to be given or made, or assists in giving or making or procuring to be given or made, any false evidence or representation, knowing the same to be false, shall be punishable with penal servitude for a term not exceeding four years, or with imprisonment with or without hard labour for any period not exceeding two years, or if summarily prosecuted and convicted, by imprisonment, with or without hard labour, for any period not exceeding six months.

Effects of seamen discharged from navy to be disposed of by Accountant General of Navy.

204. In the case of seamen invalided or discharged from any of Her Majesty's ships, and sent home in merchant ships, any moneys or effects belonging to them which are paid, remitted, or delivered to the Board of Trade, or its agents, under the provisions herein-before contained, shall be paid over and disposed of in such manner as the Accountant General of Her Majesty's Navy directs.

Leaving Seamen abroad.

Leaving Seamen abroad.

On discharge of seamen abroad, by sale of ship or otherwise, certificates of discharge to be given, and seamen to be sent home at expense of owner.

205. Whenever any British ship is transferred or disposed of at any place out of Her Majesty's dominions, and any seaman or apprentice belonging thereto does not in the presence of some British consular officer, or, if there is no such consular officer there, in the presence of one or more respectable British merchants residing at the place, and not interested in the said ship, signify his consent in writing to complete the voyage if continued, and whenever the service of any seaman or apprentice belonging to any British ship terminates at any place out of Her Majesty's dominions, the master shall give to each such seaman or apprentice a certificate of discharge in the form sanctioned by the Board of Trade as aforesaid, and in the case of any certificated mate whose certificate he has retained shall return such certificate to him, and shall also, besides paying the wages to which such seaman or apprentice is entitled, either provide him with adequate employment on board some other British ship bound to the port in Her Majesty's dominions at which he was originally shipped, or to such other port in the United Kingdom as is agreed upon by him, or furnish the means of sending him back to such port, or provide him with a passage home, or deposit with such consular officer or such merchant or merchants as aforesaid such a sum of money as is by such officer or merchants deemed sufficient to defray the expenses of his subsistence and passage home; and such consular officer or merchants shall indorse upon the agreement of the ship which the seaman or apprentice is leaving the particulars of such payment, provision, or deposit; and if the master refuses or neglects to comply with the requirements of this section, such expenses as last aforesaid, if defrayed by such consular officer or by any other person, shall, unless such seaman or apprentice has been guilty of barratry, be a charge upon the ship to which such seaman or apprentice belonged and upon the owner for the time being thereof, and may be recovered against such owners, with costs, at the suit of the consular officer or other person defraying such expenses, or, in case the same has been allowed to the consular officer out of the public moneys, as a debt due to Her Majesty either by ordinary process of law, or in the manner in which seamen are hereby enabled to recover wages; and such expenses, if defrayed by the seaman or apprentice, shall be recoverable as wages due to him.

Forcing seamen on shore a misdemeanor.

206. If the master or any other person belonging to any British ship wrongfully forces on shore and leaves behind, or otherwise wilfully and wrongfully leaves behind, in any place, on shore or at sea, in or out of Her Majesty's dominions, any seaman or apprentice belonging to such ship before the completion of the voyage for which such person was engaged or

Leaving Seamen abroad.

the return of the ship to the United Kingdom, he shall for each such offence be deemed guilty of a misdemeanor.

No seaman to be discharged or left abroad without certificate of some functionary.

207. If the master of any British ship does any of the following things; (that is to say,)

(1.) Discharges any seaman or apprentice in any place situate in any British possession abroad (except the possession in which he was shipped), without previously obtaining the sanction in writing indorsed on the agreement of some public shipping master or other officer duly appointed by the local government in that behalf, or (in the absence of any such functionary) of the chief officer of customs resident at or near the place where the discharge takes place;

(2.) Discharges any seaman or apprentice at any place out of Her Majesty's dominions without previously obtaining the sanction so indorsed as aforesaid of the British consular officer there, or (in his absence) of two respectable merchants resident there;

(3.) Leaves behind any seaman or apprentice at any place situate in any British possession abroad on any ground whatever, without previously obtaining a certificate in writing so indorsed as aforesaid from such officer or person as aforesaid, stating the fact and the cause thereof, whether such cause be unfitness or inability to proceed to sea, or desertion or disappearance;

(4.) Leaves behind any seaman or apprentice at any place out of Her Majesty's dominions, on shore or at sea, on any ground whatever, without previously obtaining the certificate indorsed in manner and to the effect last aforesaid of the British consular officer there, or (in his absence) of two respectable merchants, if there is any such at or near the place where the ship then is:

He shall for each such default be deemed guilty of a misdemeanor; and the said functionaries shall and the said merchants may examine into the grounds of such proposed discharge, or into the allegation of such unfitness, inability, desertion, or disappearance as aforesaid, in a summary way, and may for that purpose, if they think fit so to do, administer oaths, and may either grant or refuse such sanction or certificate as appears to them to be just.

Proof of certificate to be upon the master.

208. Upon the trial of any information, indictment, or other proceeding against any person for discharging or leaving behind any seaman or apprentice, contrary to the provisions of this Act, it shall lie upon such person either to produce the sanction or certificate hereby required, or to prove that he had obtained the same previously to having discharged or

left behind such seaman or apprentice, or that it was impracticable for him to obtain such sanction or certificate.

Leaving Seamen abroad.

Wages to be paid when seamen are left behind on ground of inability.

209. Every master of any British ship who leaves any seaman or apprentice on shore at any place abroad in or out of Her Majesty's dominions, under a certificate of his unfitness or inability to proceed on the voyage, shall deliver to one of the functionaries aforesaid, or (in the absence of such functionaries) to the merchants by whom such certificate is signed, or, if there be but one respectable merchant resident at such place, to him, a full and true account of the wages due to such seaman or apprentice, such account when delivered to a consular officer to be in duplicate, and shall pay the same either in money or by a bill drawn upon the owner; and in the case of every bill so drawn, such functionary, merchants or merchant as aforesaid, shall by indorsement certify thereon that the same is drawn for money due on account of a seaman's wages, and shall also indorse the amount for which such bill is drawn, with such further particulars in respect of the case as the Board of Trade requires, upon the agreement of the ship; and every such master as aforesaid who refuses or neglects to deliver a full account of such wages, and pay the amount thereof in money or by bill, as herein-before required, shall for every such offence or default be liable, in addition to the payment of the wages, to a penalty not exceeding ten pounds; and every such master who delivers a false account of such wages shall for every such offence, in addition to the payment of the wages, incur a penalty not exceeding twenty pounds.

Payment of wages to seamen.

209 *a*. The payment of seamen's wages required by the 209th section of the principal Act shall, whenever it is practicable so to do, be made in money and not by bill; and in cases where payment is made by bill drawn by the master, the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or indorsee thereof; and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same; and any bill purporting to be drawn in pursuance of the said section, and to be indorsed as therein required, if produced out of the custody of the Board of Trade or of the Registrar General of Seamen, or of any superintendent of any mercantile marine office, shall be received in evidence; and any indorsement on any such bill purporting to be made in pursuance of the said section, and to be signed by one of the functionaries therein mentioned, shall also be received in evidence, and shall be deemed to be primâ facie evidence of the facts stated in such indorsement. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 19.)

Such wages to be treated as money due to

210. Every such payment as last aforesaid, whether by bill or in money, shall, if made in any British possession, be

Leaving Seamen abroad.

the seamen, subject to payment of expense of their subsistence and passage home.

made to the seaman or apprentice himself, and, if made out of Her Majesty's dominions, to the consular officer, who shall, if satisfied with the account, indorse on one of the duplicates thereof a receipt for the amount paid or bill delivered, and shall return the same to the master; and the master shall within forty-eight hours after his return to his port of destination in the United Kingdom, deliver the same to the shipping master there; and the consular officer shall retain the other duplicate of the said account, and shall, if the seaman or apprentice subsequently obtains employment at or otherwise quits the port, deduct out of the sum received by him as aforesaid any expenses which have been incurred by him in respect of the subsistence of the seaman or apprentice under the provisions herein contained, except such as the master or owner of the ship is hereby required to pay, and shall pay the remainder to the seaman or apprentice, and shall also deliver to him an account of the sums so received and expended on his behalf; and shall, if the seaman or apprentice dies before his ship quits the port, deal with the same in the manner herein-after specified in that behalf, and shall, if the seaman or apprentice is sent home at the public expense under the provisions herein contained, account for the amount received to the Board of Trade; and such amount shall, after deducting any expenses which have been duly incurred in respect of such seaman or apprentice, except such as the master or owner of the ship is hereby required to pay, be dealt with as wages to which he is entitled, and shall be paid accordingly.

Distressed seamen found abroad may be relieved and sent home at the public expense.

211. The governors, consular officers, and other officers of Her Majesty in foreign countries shall, and in places where there are no such governors or officers any two resident British merchants may, provide for the subsistence of all seamen or apprentices, being subjects of Her Majesty, who have been shipwrecked, discharged, or left behind at any place abroad, whether from any ship employed in the merchant service or from any of Her Majesty's ships, or who have been engaged by any person acting either as principal or agent to serve in any ship belonging to any foreign power or to the subject of any foreign state, and who are in distress in any place abroad, until such time as they are able to provide them with a passage home, and for that purpose shall cause such seamen or apprentices to be put on board some ship belonging to any subject of Her Majesty bound to any port of the United Kingdom, or to the British possession to which they belong, (as the case requires,) which is in want of men to make up its complement, and in default of any such ship shall provide them with a passage home as soon as possible in some ship belonging to a subject of Her Majesty so bound as aforesaid, and shall indorse on the agreement of any ship on board of which any seaman or apprentice is so taken or sent the name

of every person so sent on board thereof, with such particulars concerning the case as the Board of Trade requires, and shall be allowed for the subsistence of any such seaman or apprentice such sum per diem as the Board of Trade from time to time appoints; and the amount due in respect of such allowance shall be paid out of any moneys applicable to the relief of distressed British seamen, and granted by Parliament for the purpose, on the production of the bills of the disbursements, with the proper vouchers.

Leaving Seamen abroad.

212. The master of every British ship so bound as aforesaid shall receive and afford a passage and subsistence to all seamen or apprentices whom he is required to take on board his ship under the provisions herein-before contained, not exceeding one for every fifty tons burden, and shall during the passage provide every such seaman or apprentice with a proper berth or sleeping place effectually protected against sea and weather; and on the production of a certificate signed by any governor, consular officer, or merchants by whose directions any such seaman or apprentice was received on board, specifying the number and names of such seamen or apprentices, and the time when each of them respectively was received on board, and on a declaration made by such person before a justice, and verified by the Registrar General of Seamen, stating the number of days during which each seaman or apprentice received subsistence and was provided for as aforesaid on board his ship, and stating also the number of men and boys forming the complement of his crew, and the number of seamen and apprentices employed on board his ship during such time, and every variation (if any) of such number, such person shall be entitled to be paid out of the said moneys applicable to the relief of distressed British seamen, in respect of the subsistence and passage of every seaman or apprentice so conveyed, subsisted and provided for by him exceeding the number (if any) wanted to make up the complement of his crew, such sum per diem as the Board of Trade from time to time appoints; and if any person having charge of any such ship fails or refuses to receive on board his ship, or to give a passage home, or subsistence to, or to provide for any such seaman or apprentice as aforesaid, contrary to the provisions of this Act, he shall incur a penalty not exceeding one hundred pounds for each seaman or apprentice with respect to whom he makes such default or refusal.

Masters of British ships compelled to take them.

212 *a.* Whereas under the 211th and 212th sections of the principal Act, and the 16th section of "The Merchant Shipping Act Amendment Act, 1855," provision is made for relieving and sending home seamen found in distress abroad: And whereas doubts are entertained whether power exists under the said sections of making regulations and imposing condi-

Relief of distressed seamen to be regulated by Board of Trade.

Leaving Seamen abroad.

tions which are necessary for the prevention of desertion and misconduct and the undue expenditure of public money: Be it enacted, and it is hereby declared, that the claims of seamen to be relieved or sent home in pursuance of the said sections or any of them shall be subject to such regulations and dependent on such conditions as the Board of Trade may from time to time make or impose; and no seaman shall have any right to demand to be relieved or sent home except in the cases and to the extent provided for by such regulations and conditions. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 22.)

Power to sue for the amount advanced for the relief of seamen left abroad.

213. If any seaman or apprentice belonging to any British ship is discharged or left behind at any place out of the United Kingdom without full compliance on the part of the master with all the provisions in that behalf in this Act contained, and becomes distressed and is relieved under the provisions of this Act, or if any subject of Her Majesty, after having been engaged by any person (whether acting as principal or agent) to serve in any ship belonging to any foreign power, or to the subject of any foreign power, becomes distressed and is relieved as aforesaid, the wages (if any) due to such seaman or apprentice, and all expenses incurred for his subsistence, necessary clothing, conveyance home, and burial, in case he should die abroad before reaching home, shall be a charge upon the ship, whether British or foreign, to which he so belonged as aforesaid; and the Board of Trade may in the name of Her Majesty (besides suing for any penalties which may have been incurred) sue for and recover the said wages and expenses, with costs, either from the master of such ship as aforesaid, or from the person who is owner thereof for the time being, or, in the case of such engagement as aforesaid for service in a foreign ship, from such master or owner, or from the person by whom such engagement was so made as aforesaid; and such sums shall be recoverable either in the same manner as other debts due to Her Majesty, or in the same manner and by the same form and process in which wages due to the seaman would be recoverable by him; and in any proceedings for that purpose production of the account (if any) to be furnished as herein-before is provided in such cases, together with proof of payment by the Board of Trade or by the Paymaster General of the charges incurred on account of any such seaman, apprentice, or other person, shall be sufficient evidence that he was relieved, conveyed home, or buried (as the case may be) at Her Majesty's expense.

Extension of provisions concerning the relief of destitute seamen.

213 *a*. The Board of Trade may issue instructions concerning the relief to be administered to distressed seamen and apprentices, in pursuance of the two hundred and eleventh and two hundred and twelfth sections of the Merchant Shipping Act, 1854, and may by such instructions determine in

Leaving Seamen abroad.

what cases and under what circumstances and conditions such relief is to be administered; and all powers of recovering expenses incurred with respect to distressed seamen and apprentices, which by the two hundred and thirteenth section of the said Act are given to the Board of Trade, shall extend to all expenses incurred by any foreign government for the purposes aforesaid, and repaid to such government by Her Majesty's government, and shall likewise extend to any expenses incurred by the conveying home such seamen or apprentices in foreign as well as British ships; and all provisions concerning the relief of distressed seamen and apprentices, being subjects of Her Majesty, which are contained in the said sections of the said Act, and in this section, shall extend to such seamen and apprentices, not being subjects of Her Majesty, as are reduced to distress in foreign parts by reason of their having been shipwrecked, discharged, or left behind from any British ship; subject nevertheless to such modifications and directions concerning the cases in which relief is to be given to such foreigners, and the country to which they are to be sent, as the Board of Trade may, under the circumstances, think fit to make and issue. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 16.)*

Volunteering into the Navy.

Volunteering into the Navy.

Seamen allowed to leave their ships in order to enter the navy.

214. Any seaman may leave his ship for the purpose of forthwith entering into the naval service of Her Majesty, and such leaving his ship shall not be deemed a desertion therefrom, and shall not render him liable to any punishment or forfeiture whatever; and all stipulations introduced into any agreement whereby any seaman is declared to incur any forfeiture or be exposed to any loss in case he enters into Her Majesty's naval service shall be void, and every master or owner who causes any such stipulation to be so introduced shall incur a penalty not exceeding twenty pounds.

Clothes to be delivered at once.

Wages to be given to the Queen's officer on account of the seamen.

215. Whenever any seaman, without having previously committed any act amounting to and treated by the master as desertion, leaves his ship in order to enter into the naval service of Her Majesty and is received into such service, the master shall deliver to him his clothes and effects on board such ship, and shall pay the proportionate amount of his wages down to the time of such entry, subject to all just deductions, as follows; (that is to say,) the master of the said ship shall pay the same to the officer authorized to receive such seaman into Her Majesty's service, either in money or by bill drawn upon the owner and payable at sight to the order of the accountant general of the navy; and the receipt of such

* As to distressed Lascars, see s. 544 *b*, and following sections.

Volunteering into the Navy.

officer shall be a discharge for the money or bill so given; and such bill shall be exempt from stamp duty; and if such wages are paid in money, such money shall be credited in the muster book of the ship to the account of the said seaman; and if such wages are paid by bill, such bill shall be noted in the said muster book and shall be sent to the said accountant general, who shall present the same or cause the same to be presented for payment, and shall credit the produce thereof to the account of the said seaman; and such money or produce (as the case may be) shall not be paid to the said seaman until the time at which he would have been entitled to receive the same if he had remained in the service of the ship which he had so quitted as aforesaid; and if any such bill is not duly paid when presented, the said accountant general or the seaman on whose behalf the same is given may sue thereon or may recover the wages due by all or any of the means by which wages due to merchant seamen are recoverable; and if upon any seaman leaving his ship in the manner and for the purpose aforesaid, the master fails to deliver his clothes and effects, or to pay his wages as herein-before required, he shall, in addition to his liability to pay and deliver the same, incur a penalty not exceeding twenty pounds; provided that no officer who receives any such bill as aforesaid shall be subject to any liability in respect thereof, except for the safe custody thereof until sent to the said accountant general as aforesaid.

Repayment to owner of advance paid and not duly earned.

216. If upon any seaman leaving his ship for the purpose of entering the naval service of Her Majesty, the owner or master of such ship shows to the satisfaction of the Admiralty that he has paid or properly rendered himself liable to pay an advance of wages to or on account of such seaman, and that such seaman has not at the time of quitting his ship duly earned such advance by service therein, and, in the case of such liability as aforesaid, if such owner or master actually satisfies the same, it shall be lawful for the Admiralty to pay to such owner or master so much of such advance as has not been duly earned, and to deduct the sum so paid from the wages of the seaman earned or to be earned in the naval service of Her Majesty.

If new seamen are engaged instead of the original seamen, the owner may apply for repayment of any extra expense he has been put to.

217. If, in consequence of any seaman so leaving his ship without the consent of the master or owner thereof, it becomes necessary for the safety and proper navigation of the said ship to engage a substitute or substitutes, and if the wages or other remuneration paid to such substitute or substitutes for subsequent service exceed the wages or remuneration which would have been payable to the said seaman under his agreement for similar service, the master or owner of the said ship may apply to the registrar of the High Court of Admiralty in England for a certificate authorizing the repayment of such excess; and

such application shall be in such form, and shall be accompanied by such documents, and by such statements, whether on oath or otherwise, as the judge of the said court from time to time directs.

Volunteering into the Navy.

218. The said registrar shall, upon receiving any such application as aforesaid, give notice thereof in writing, and of the sum claimed, to the Secretary to the Admiralty, and shall proceed to examine the said application, and may call upon the Registrar General of Seamen to produce any papers in his possession relating thereto, and may call for further evidence; and if the whole of the claim appears to him to be just, he shall give a certificate accordingly; but if he considers that such claim or any part thereof is not just, he shall give notice of such his opinion in writing under his hand to the person making the said application or his attorney or agent; and if within sixteen days from the giving of such notice such person does not leave or cause to be left at the office of the registrar of the said court a written notice demanding that the said application shall be referred to the judge of the said court, then the said registrar shall finally decide thereon, and certify accordingly; but if such notice is left as aforesaid, then the said application shall stand referred to the said judge in his chambers, and his decision thereon shall be final, and the said registrar shall certify the same accordingly; and the said registrar and judge respectively shall in every proceeding under this Act have full power to administer oaths and to exercise all the ordinary powers of the court, as in any other proceeding within its jurisdiction; and the said registrar or judge (as the case may be) may, if he thinks fit, allow for the costs of any proceeding under this Act any sum not exceeding five pounds for each seaman so quitting his ship as aforesaid; and such sum shall be added to the sum allowed, and shall be certified by the said registrar accordingly.

Application how to be decided on, and amount of repayment how to be ascertained.

219. Every certificate so given shall be sent by post or otherwise to the person making the application, his attorney or agent, and a copy thereof shall be sent to the accountant general of the navy; and such accountant general shall, upon delivery to him of the said original certificate, together with a receipt in writing purporting to be a receipt from the master or owner making the application, pay to the person delivering the same out of the moneys applicable to the naval service of Her Majesty, and granted by Parliament for the purpose, the amount mentioned in such certificate; and such certificate and receipt shall absolutely discharge the said accountant general and Her Majesty from all liability in respect of the moneys so paid or of the said application.

Accountant general to pay sums when ascertained.

220. Every person who, in making or supporting any such application as aforesaid to the registrar of the High Court of

Penalty for forgery and false represen-

Volunteering into the Navy.

tations in support of such applications.

Admiralty, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document, and every person who in making or supporting any such application presents or makes use of any such forged or altered document, or who in making or supporting any such application makes or gives, or assists in making or giving, or procures to be made or given, any false evidence or representation knowing the same to be false, shall be deemed guilty of a misdemeanor.

Provisions, Health, and Accommodation.

Survey of provisions and water on complaint made.

Provisions, Health, and Accommodation.

221. Any three or more of the crew of any British ship may complain to any officer in command of any of Her Majesty's ships, or any British consular officer, or any shipping master, or any chief officer of customs, that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity; and such officer may thereupon examine the said provisions or water, or cause them to be examined; and if on examination such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship; and if such master does not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of a bad quality and unfit for use, he shall in every such case incur a penalty not exceeding twenty pounds; and upon every such examination as aforesaid the officers making or directing the same shall enter a statement of the result of the examination in the official log, and shall send a report thereof to the Board of Trade, and such report, if produced out of the custody of such Board or its officers, shall be received in evidence in any legal proceeding.

Forfeiture for frivolous complaint.

222. If the officer to whom any such complaint as last aforesaid is made certifies in such statement as aforesaid that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or bad provisions.

223. In the following cases, (that is to say,)

(1.) If during a voyage the allowance of any of the provisions which any seaman has by his agreement stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any

Provisions, Health, and Accommodation.

time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore);

(2.) If it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use;

The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages; (that is to say,)

(1.) If his allowance is reduced by any quantity not exceeding one third of the quantity specified in the agreement, a sum not exceeding fourpence a day;

(2.) If his allowance is reduced by more than one third of such quantity, eightpence a day;

(3.) In respect of such bad quality as aforesaid, a sum not exceeding one shilling a day:

But if it is shown to the satisfaction of the court before which the case is tried that any provisions the allowance of which has been reduced could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

Medicines, lime or lemon juice, sugar and vinegar, to be provided and kept on board certain ships.

224. *The following rules shall be observed with respect to medicines, medical stores, and anti-scorbutics; (that is to say,)*

(1.) *The Board of Trade shall from time to time issue and cause to be published a scale of medicines and medical stores suitable to accidents and diseases arising on sea voyages:*

(2.) *The owner of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be constantly kept on board such ship a supply of such medicines and medical stores in accordance with the said scale:*

(3.) *The master or owner of every foreign-going ship (except those bound to European ports or to ports in the Mediterranean Sea, and also except such ships or classes of ships bound to ports on the eastern coast of America north of the thirty-fifth degree of north latitude and to any islands or places in the Atlantic Ocean north of the same limit, as the Board of Trade may from time to time exempt from this enactment), shall also provide and cause to be kept on board such ship a sufficient quantity of lime or lemon juice, or of such articles as the Board of Trade sanctions as*

Provisions, Health, and Accommodation.

substitutes for lime or lemon juice, and also of sugar and vinegar:

(4.) *The master of every such ship as last aforesaid shall serve out the lime or lemon juice or other such articles as aforesaid and sugar and vinegar to the crew, whenever they have consumed salt provisions for ten days, and so long afterwards as such consumption continues, the lime or lemon juice and sugar daily at the rate of half an ounce each per day, and the vinegar weekly at the rate of half a pint per week, to each member of the crew:*

And if in any such ship as aforesaid such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are herein-before required, are not provided and kept on board as herein-before required, the master or owner shall incur a penalty not exceeding twenty pounds; and if the master of any such ship as aforesaid neglects to serve out the lime or lemon juice or other articles, sugar, or vinegar, in the case and manner herein-before directed, he shall for each such offence incur a penalty not exceeding five pounds; and if any master is convicted in either of the last-mentioned penalties, and it appears that the offence is owing to the act or default of the owner, such master may recover the amount of such penalty and the costs incurred by him from the owner. [Repealed by Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 3]

Lime or lemon juice and other anti-scorbutics to be provided and kept on board certain ships.

224 *a.* The following rules shall be observed with respect to medicines, medical stores, and anti-scorbutics; (that is to say,)

(1.) The Board of Trade shall from time to time issue and cause to be published scales of medicines and medical stores suitable for different ships and voyages, and shall also prepare or sanction a book or books containing instructions for dispensing the same:

(2.) The owners of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be kept on board such ship a supply of medicines and medical stores in accordance with the scale appropriate to the said ship, and also a copy of the said book or of one of the said books containing instructions:

(3.) No lime or lemon juice shall be deemed fit and proper to be taken on board any such ship, for the use of the crew or passengers thereof, unless the same has been obtained from a bonded warehouse for and to be shipped as stores; and no lime or lemon juice shall be so obtained or delivered from any warehouse as aforesaid unless the same is shown, by a certificate under the hand of an inspector appointed by the

Provisions, Health, and Accommodation.

Board of Trade, to be proper for use on board ship, such certificate to be given upon inspection of a sample after deposit of the said lime or lemon juice in the warehouse; nor unless the same contains fifteen per centum of proper and palatable proof spirits, to be approved by such inspector, or by the proper officer of customs, and to be added before or immediately after the inspection thereof; nor unless the same is packed in such bottles, at such time and in such manner, and is labelled in such manner as the Commissioners of Customs may direct; provided that when any such lime or lemon juice is deposited in any bonded warehouse, and has been approved as aforesaid by the said inspector, the said spirits, or so much of the said spirits as is necessary to make up fifteen per centum, may be added in such warehouse without payment of any duty thereon; and when any spirit has been added to any lime or lemon juice, and the same has been labelled as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores only, upon such terms and subject to such regulations of the Commissioners of Customs as are applicable to the delivery of ship's stores from the warehouse:

(4.) The master or owner of every such foreign-going ship (except those bound to European ports or to ports in the Mediterranean Sea, and also except such ships or classes of ships bound to ports on the eastern coast of America north of the thirty-fifth degree of north latitude, and to any islands or places in the Atlantic Ocean north of the same limit, as the Board of Trade may from time to time exempt from this enactment,) shall provide and cause to be kept on board such ship a sufficient quantity of lime or lemon juice from the warehouse duly labelled as aforesaid, such labels to remain intact until twenty-four hours at least after such ship shall have left her port of departure on her foreign voyage, or a sufficient quantity of such other anti-scorbutics, if any, of such quality, and composed of such materials, and packed and kept in such manner, as Her Majesty by Order in Council may from time to time direct:

(5.) The master of every such ship as last aforesaid shall serve or cause to be served out the lime or lemon juice with sugar (such sugar to be in addition to any sugar required by the articles) or other such anti-scorbutics as aforesaid to the crew so soon as they have been at sea for ten days, and during the remainder of the voyage, except during such time as

Provisions, Health, and Accommodation.

they are in harbour and are there supplied with fresh provisions; the lime or lemon juice and sugar to be served out daily at the rate of an ounce each per day to each member of the crew, and to be mixed with a due proportion of water before being served out, or the other anti-scorbutics, if any, at such times and in such quantities as Her Majesty by Order in Council may from time to time direct:

(6.) If at any time when such lime or lemon juice or anti-scorbutics is or are so served out as aforesaid any seaman or apprentice refuses or neglects to take the same, such neglect or refusal shall be entered in the official log book in the manner provided by the two hundred and eighty-first section of the principal Act, and shall be signed by the master and by the mate or some other of the crew, and also by the surgeon or medical practitioner on board, if any:

And if in any such ship as aforesaid such medicines, medical stores, book of instructions, lime or lemon juice, sugar, or anti-scorbutics as are herein-before required are not provided, packed, and kept on board as herein-before required, the owner or master shall be deemed to be in fault, and shall for each default incur a penalty not exceeding twenty pounds, unless he can prove that the non-compliance with the above provisions, or any of them, was not caused through any inattention, neglect, or wilful default on his part; and if the lime or lemon juice and sugar or other anti-scorbutics are not served out in the case and manner herein-before directed, or if entry is not made in the official log in the case and manner herein-before required, the master shall be deemed to be in fault, and shall for each default incur a penalty not exceeding five pounds, unless he can prove that the non-compliance with the above provisions, or any of them, did not arise through any neglect, omission, or wilful default on his part; and if in any case it is proved that some person other than the master or owner is in default in any case under this section, then such other person shall be liable to a penalty not exceeding twenty pounds. (Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 4.)

Masters to keep weights and measures on board.

225. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall for every offence incur a penalty not exceeding ten pounds.

Board of Trade and local boards may appoint inspec-

226. Any local marine board may, upon being required by the Board of Trade so to do, appoint and remove a medical inspector of ships for the port, and may fix his remuneration,

Provisions, Health, and Accommodation.

such remuneration to be subject to the control of the Board of Trade, and at ports where there are no local marine boards the Board of Trade may appoint and remove such inspectors, and fix their remuneration; and it shall be the duty of such inspectors to inspect the medicines, medical stores, lime or lemon juice, or other articles, sugar and vinegar, required to be kept on board any such ships as aforesaid; and such inspection, if made at places where there are local marine boards, shall be made under their direction, and also in any special cases under the direction of the Board of Trade, and if made at places where there are no local marine boards, shall be made under the direction of the Board of Trade; and such medical inspectors shall for the purposes of such inspection have the same powers as the inspectors appointed by the Board of Trade under the first part of this Act; but every such inspector, if required by timely notice in writing from the master, owner, or consignee, shall make his inspection three days at least before the ship proceeds to sea, and if the result of the inspection is satisfactory shall not again make inspection before the commencement of the voyage, unless he has reason to suspect that some of the articles inspected have been subsequently removed, injured, or destroyed; and whenever any such medical inspector is of opinion that in any ship hereby required to carry such articles as aforesaid the same or any of them are deficient in quantity or quality, or are placed in improper vessels, he shall signify the same in writing to the chief officer of customs of the port where such ship is lying, and also to the master, owner, or consignee thereof, and thereupon the master of such ship, before proceeding to sea, shall produce to such chief officer of customs a certificate under the hand of such medical inspector or of some other medical inspector, to the effect that such deficiency has been supplied or remedied, or that such improper vessels have been replaced by proper vessels, as the case may require; and such chief officer of customs shall not grant a clearance for such ship without the production of such certificate, and if such ship attempts to go to sea without a clearance, may detain her until such certificate is produced; and if such ship proceeds to sea without the production of such certificate, the owner, master, or consignee thereof shall incur a penalty not exceeding twenty pounds.

tors of medicines, who are to see that ships are properly provided.

Penalty for selling bad drugs for ships.

227. *Any person who sells or supplies any medicines, medical stores, lime or lemon juice, of bad quality, for the use of any ship, shall for each such offence incur a penalty not exceeding twenty pounds.* [Repealed by Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 3.]

Penalty for selling, &c. medicines, &c. of bad quality.

227 *a.* Any person who manufactures, sells, or keeps or offers for sale any such medicines or medical stores as aforesaid*

* See s. 224 *a*.

Provisions, Health, and Accommodation.

which are of bad quality shall for each such offence incur a penalty not exceeding twenty pounds. (Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 5.)

Power to governors, &c. to make regulations as to supply of lime or lemon juice, &c.

227 *b*. In any British possession out of the United Kingdom the governor or officer administering the government for the time being shall, subject to the laws of such possession, have power to make regulations concerning the supply within such possession of lime or lemon juice and anti-scorbutics for the use of ships; and any lime or lemon juice or anti-scorbutics duly supplied in accordance with any such regulations shall be deemed to be fit and proper for the use of ships. (Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 6.)

Expense of medical attendance and subsistence in case of illness, and of burial in case of death, how to be defrayed.

228. The following rules shall be observed with respect to expenses attendant on illness and death; (that is to say,)

(1.) If the master or any seaman or apprentice receives any hurt or injury in the service of the ship to which he belongs, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and of his subsistence until he is cured, or dies, or is brought back to some port in the United Kingdom, if shipped in the United Kingdom, or if shipped in some British possession to some port in such possession, and of his conveyance to such port, and the expense (if any) of his burial, shall be defrayed by the owner of such ship, without any deduction on that account from the wages of such master, seaman, or apprentice:

(2) If the master or any seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of such removal and of providing the necessary advice with attendance and medicines and of his subsistence whilst away from the ship, shall be defrayed in like manner:

(3.) The expense of all medicines and surgical or medical advice and attendance given to any master, seaman, or apprentice whilst on board his ship shall be defrayed in like manner:

(4.) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of such seaman or apprentice.

Provisions, Health, and Accommodation.

Seaman's expenses in case of illness through neglect of owner or master to be paid by them.

228 *a* Whenever it is shown that any seaman or apprentice who is ill has, through the neglect of the master or owner, not been provided with proper food and water according to his agreement, or with such accommodation, medicines, medical stores, or anti-scorbutics as are required by the principal Act or by this Act, then, unless it can be shown that the illness has been produced by other causes, the owner or master shall be liable to pay all expenses properly and necessarily incurred by reason of such illness (not exceeding in the whole three months wages), either by such seaman himself, or by Her Majesty's Government, or any officer of Her Majesty's Government, or by any parochial or other local authority on his behalf, and such expenses may be recovered in the same way as if they were wages duly earned: Provided that this enactment shall not operate so as to affect any further liability of any such owner or master for such neglect, or any remedy which any seaman already possesses. (Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 7.)

Forfeiture of wages, &c. of seaman when illness caused by his own default.

228 *b*. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of such illness incapable of performing his duty. (Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 8.)

Rules for medical inspection of seamen.

228 *c*. The following rules shall be observed with respect to the medical inspection of seamen; that is to say,

(1.) At any port where there is a local marine board the local marine board, and at other ports in the United Kingdom the Board of Trade, may appoint a medical inspector of seamen:

(2.) Such medical inspector of seamen shall, on application by the owner or master of any ship, examine any seaman applying for employment in such ship, and shall give to the superintendent of the mercantile marine office a report under his hand stating whether such seaman is in a fit state for duty at sea, and a copy of such report shall be given to the master or owner of the ship:

(3.) The master or owner applying for such inspection shall pay to the superintendent such fees as the Board of Trade direct, and such fees shall be paid into and form part of the mercantile marine fund:

(4.) The said medical inspectors shall be remunerated for their services as the Board of Trade may direct, and such remuneration shall be paid out of the mercantile marine fund:

(5.) In British possessions out of the United Kingdom the governor or other officer administering the government for the time being shall have the power of

Provisions, Health, and Accommodation.

appointing medical inspectors of seamen, of charging fees for inspections, when applied for, and of determining the remuneration to be paid to such inspectors. (Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 10.)

Expenses, if paid by consul, to be recoverable from owner.

229. If any such expenses in respect of the illness, injury, or hurt of any seaman or apprentice, as are to be borne by the owner, are paid by any consular officer or other person on behalf of Her Majesty, or if any other expenses in respect of the illness, injury, or hurt of any seaman or apprentice whose wages are not accounted for to such officer under the provisions herein-before contained in that behalf are so paid, such expenses shall be repaid to such officer or other person by the master of the ship, and if not so repaid, the amount thereof, with costs, shall be a charge upon the ship, and be recoverable from the said master or from the owner of the ship for the time being as a debt due to Her Majesty, and shall be recoverable either by ordinary process of law or in the manner in which seamen are hereby enabled to recover wages; and in any proceeding for the recovery thereof the production of a certificate of the facts, signed by such officer or other person, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by such consular officer or other person as aforesaid.

Certain ships to carry medical practitioners.

230. Every foreign-going ship having one hundred persons or upwards on board shall carry on board as part of her complement some person duly authorised by law to practise as physician, surgeon, or apothecary; and in default the owner shall for every voyage of any such ship made without such medical practitioner incur a penalty not exceeding one hundred pounds: Provided that nothing herein contained shall in anywise affect any provision contained in the "Passengers Act, 1852,"* concerning the carriage of medical practitioners by the class of ships therein named passenger ships, nor shall any such passenger ship, if not thereby required to carry a medical practitioner, be hereby required to do so.

Place appropriated to seamen to have a certain space for each man, and to be properly constructed and kept clear.

231. *The following rules shall be observed with respect to accommodation on board; (that is to say,)*

(1.) *Every place in any ship occupied by seamen or apprentices, and appropriated to their use, shall have for every such seaman or apprentice, if they sleep in hammocks, a space of not less than nine superficial feet, and if they do not sleep in hammocks, a space of not less than twelve superficial feet, measured on the deck or floor of such place:*

* See s. 325 3*a*.

Provisions, Health, and Accommodation.

(2.) *Every such place shall either be six feet in height from deck to deck, or shall have for every seaman and apprentice, if they sleep in hammocks, a space of not less than fifty-four cubic feet, and if they do not sleep in hammocks, a space of not less than seventy-two cubic feet:*

(3.) *Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage:*

(4.) *Every such place shall be properly caulked, and in all other respects securely and properly constructed and well ventilated:*

And if any such place in any ship is not in the whole sufficiently large to give such space for each seaman and apprentice as herein-before required, or is not properly caulked and in all other respects securely and properly constructed and well ventilated, the owner shall for every such failure to comply with the provisions of this section incur a penalty not exceeding twenty pounds; and if any such space as aforesaid is not kept free from goods and stores as aforesaid, the master shall for every such failure to comply with the provisions of this section incur a penalty not exceeding ten pounds. [Repealed by Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 3.]

Place appropriated to seamen to have a certain space for each man, and to be properly constructed and kept clear.

231 *a.* The following rules shall be observed with respect to accommodation on board British ships; (that is to say,)

(1.) Every place in any ship occupied by seamen or apprentices, and appropriated to their use, shall have for every such seaman or apprentice a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet, measured on the deck or floor of such place:

(2.) Every such place shall be such as to make the space aforesaid available for the proper accommodation of the men who are to occupy it; shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable, properly shut off and protected from effluvium which may be caused by cargo or bilge water:

(3.) No such place as aforesaid shall be deemed to be such as to authorise a deduction from registered tonnage, under the provisions herein-after contained, unless there is or are in the ship one or more properly constructed privy or privies for the use of the crew; such privy or privies to be of such number and of such construction as may be approved by the surveyor herein-after mentioned:

Provisions, Health, and Accommodation.

(4.) Every such place shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors appointed by the Board of Trade under Part IV. of the principal Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the collector of customs a certificate to that effect, and thereupon such space shall be deducted from the register tonnage:

(5.) No such deduction from tonnage as aforesaid shall be authorised unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every such place, the number of men which it is constructed to accommodate, with the words "certified to accommodate seamen":

(6.) Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage:

(7.) Upon any complaint concerning any such place as aforesaid, one of the surveyors appointed by the Board of Trade may inspect such place, and if he finds that any of the provisions of this Act with respect to the same are not complied with he shall report the same to the collector of customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect of space disallowed, unless and until it shall be certified by such surveyor, or by some other surveyor appointed by the Board of Trade, that the provisions of the Act in respect of such place are fully complied with:

(8.) If any such place in any ship is not kept free from goods and stores as aforesaid, the master shall be deemed to be in fault, and shall for every such failure to comply with the provisions of this section forfeit and pay to each seaman lodged in such place the sum of one shilling a day for each day after complaint made to him by any two or more of such seamen during which any goods or stores, not being the personal property of the crew, are stored or kept therein:

(9.) If in any other respect the provisions of this section are not observed with respect to any such place in any ship the owner shall be deemed to be in fault, and shall for every failure to comply with the provisions of this section incur a penalty not exceeding twenty pounds. (Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 9.)

Governors abroad may appoint sur-

231 *b.* The governor of any British possession abroad may from time to time appoint fit and proper persons to be sur-

veyors, who shall have and exercise within such possession all the powers with respect to the inspection of crew spaces that are conferred upon the Board of Trade surveyors in the United Kingdom by section nine of the Merchant Shipping Act, 1867. (Colonial Shipping Act, 1868, 31 & 32 Vict. c. 129. s. 3.)

Provisions, Health, and Accommodation.

veyors of crew spaces.

Power of making Complaint.

Power of making Complaint.

232. If any seaman or apprentice whilst on board any ship states to the master that he desires to make complaint to a justice of the peace, or consular officer, or naval officer in command of any of Her Majesty's ships, against the master or any of the crew, the said master shall, if the ship is then at a place where there is a justice or any such officer as aforesaid, so soon as the service of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman or apprentice to go ashore or send him ashore in proper custody so that he may be enabled to make such complaint, and shall, in default, incur a penalty not exceeding ten pounds.

Seamen to be allowed to go ashore to make complaint to a justice.

Protection of Seamen from Imposition.

Protection of Seamen from Imposition.

233. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of such wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of such wages or of salvage made prior to the accruing thereof shall bind the party making the same; and no power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

Sale of and charge upon wages to be invalid.

234. No debt exceeding in amount five shillings, incurred by any seaman after he has engaged to serve, shall be recoverable until the service agreed for is concluded.

No debt exceeding 5s. recoverable till end of voyage.

235. If any person demands or receives from any seaman or apprentice to the sea service payment in respect of his board or lodging in the house of such person for a longer period than such seaman or apprentice has actually resided or boarded therein, he shall incur a penalty not exceeding ten pounds.

Penalty for overcharges by lodging-house keepers.

236. If any person receives or takes into his possession or under his control any moneys, documents, or effects of any seaman or apprentice to the sea service, and does not return the same or pay the value thereof, when required by such seaman or apprentice, subject to such deduction as may be

Penalty for detaining seamen's effects.

Protection of Seamen from Imposition.

justly due to him from such seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall incur a penalty not exceeding ten pounds, and any two justices may, besides inflicting such penalty, by summary order direct the amount or value of such moneys, documents, or effects, subject to such deduction as aforesaid, to be forthwith paid to such seaman or apprentice.

Persons not to go on board before the final arrival of ship without permission.

237. Every person who, not being in Her Majesty's service, and not being duly authorised by law for the purpose, goes on board any ship about to arrive at the place of her destination, before her actual arrival in dock or at the place of her discharge, without the permission of the master, shall for every such offence incur a penalty not exceeding twenty pounds; and the master or person in charge of such ship may take any such person so going on board as aforesaid into custody, and deliver him up forthwith to any constable or peace officer, to be by him taken before a justice or justices or the sheriff of the county in Scotland, and to be dealt with according to the provisions of this Act.

Penalty for solicitations by lodging-house keepers.

238. If, within twenty-four hours after the arrival of any ship at any port in the United Kingdom, any person then being on board such ship solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such ship any effects of any seaman, except under his personal direction and with the permission of the master, he shall for every such offence incur a penalty not exceeding five pounds.

Discipline.

Discipline.

Misconduct endangering ship or life or limb a misdemeanor.

239. Any master of or any seaman or apprentice belonging to any British ship who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for every such offence be deemed guilty of a misdemeanor.

Power of Admiralty courts to remove master.

240. Any court having Admiralty jurisdiction in any of Her Majesty's dominions, may, upon application by the owner of any ship being within the jurisdiction of such court, or by the part owner or consignee, or by the agent of the owner, or

Discipline.

by any certificated mate, or by one third or more of the crew of such ship, and upon proof on oath to the satisfaction of such court that the removal of the master of such ship is necessary, remove him accordingly; and may also, with the consent of the owner or his agent, or the consignee of the ship, or if there is no owner or agent of the owner or consignee of the ship within the jurisdiction of the court, then without such consent, appoint a new master in his stead; and may also make such order, and may require such security in respect of costs in the matter, as it thinks fit.

Power to investigate cases of alleged incompetency and misconduct.

241. If the Board of Trade or any local marine board has reason to believe that any master or mate is from incompetency or misconduct unfit to discharge his duties, the Board of Trade may either institute an investigation or may direct the local marine board at or nearest to the place at which it may be convenient for the parties and witnesses to attend to institute the same, and thereupon such persons as the Board of Trade may appoint for the purpose, or, as the case may be, the local marine board, shall, with the assistance of a local stipendiary magistrate (if any), and if there is no such magistrate of a competent legal assistant to be appointed by the Board of Trade, conduct the investigation, and may summon the master or mate to appear, and shall give him full opportunity of making a defence either in person or otherwise, and shall for the purpose of such investigation have all the powers given by the first part of this Act to inspectors appointed by the Board of Trade, and may make such order with respect to the costs of such investigation as they may deem just; and shall on the conclusion of the investigation make a report upon the case to the Board of Trade; and in cases where there is no local marine board before which the parties and witnesses can conveniently attend, or where such local marine board is unwilling to institute the investigation, the Board of Trade may direct the same to be instituted before two justices or a stipendiary magistrate; and thereupon such investigation shall be conducted, and the results thereof reported, in the same manner and with the same powers in and with which formal investigations into wrecks and casualties are directed to be conducted, and the results thereof reported, under the provisions contained in the eighth part of this Act, save only that, if the Board of Trade so directs, the person bringing the charge of incompetency or misconduct to the notice of the Board of Trade shall be deemed to be the party having the conduct of the case.

Power of Board of Trade and Local Marine Board to investigate

241 *a.* The power by the 241st section of the principal Act given to the Board of Trade or to any local marine board of instituting investigations into the conduct of any master or mate whom it has reason to believe to be from incompetency

Discipline.

conduct of certificated engineers.

or misconduct unfit to discharge his duties, shall extend to any certificated engineer whom the Board of Trade or any local marine board has reason to believe to be from incompetency or misconduct unfit to discharge his duties, in the same manner as if in the said section the words "certificated engineer" had been inserted after "master" wherever "master" occurs in such section. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 11.)

Board of Trade may cancel or suspend certificates in certain cases.

242. The Board of Trade* may suspend or cancel the certificate (whether of competency or service) of any master or mate in the following cases; (that is to say,)

(1.) If upon any investigation made in pursuance of the last preceding section, he is reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny:

(2.) If upon any investigation conducted under the provisions contained in the eighth part of this Act, or upon any investigation made by a naval court constituted as herein-after mentioned, it is reported that the loss or abandonment of or serious damage to any ship or loss of life has been caused by his wrongful act or default:

(3.) If he is superseded by the order of any Admiralty court or of any naval court constituted as herein-after mentioned:

(4.) If he is shown to have been convicted of any offence:

(5.) If upon any investigation made by any court or tribunal authorised or hereafter to be authorised by the legislative authority in any British possession to make inquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwrecks or other casualties affecting ships, a report is made by such court or tribunal to the effect that he has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that the loss or abandonment of or serious damage to any ship or loss of life has been caused by his wrongful act or default, and such report is confirmed by the governor or person administering the government of such possession:

And every master or mate whose certificate is cancelled or suspended shall deliver it to the Board of Trade or as it directs, and in default shall for each offence incur a penalty not exceeding fifty pounds; and the Board of Trade may at any subsequent time grant to any person whose certificate has been cancelled a new certificate of the same or of any lower grade.

* See the following section.

Discipline.

Power of cancelling certificate to rest with the court which hears the case.

242 *a*. The following rules shall be observed with respect to the cancellation and suspension of certificates, that is to say:

(1.) The power of cancelling or suspending the certificate of a master or mate by the 242d section of the principal Act conferred on the Board of Trade shall (except in the case provided for by the fourth paragraph of the said section) vest in and be exercised by the local marine board, magistrates, naval court, Admiralty court, or other court or tribunal by which the case is investigated or tried, and shall not in future vest in or be exercised by the Board of Trade:

(2.) Such power shall extend to cancelling or suspending the certificates of engineers in the same manner as if "certificated engineer" or "certificated engineers" were inserted throughout such section after "master" or "masters":

(3.) Every such board, court, or tribunal shall at the conclusion of the case, or as soon afterwards as possible, state in open court the decision to which they may have come with respect to cancelling or suspending certificates, and shall in all cases send a full report upon the case, with the evidence, to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, forward such certificate to the Board of Trade with their report:

(4.) It shall be lawful for the Board of Trade, if they think the justice of the case require it, to reissue and return any certificate which has been cancelled or suspended, or shorten the time for which it is suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended:

(5.) The 434th and 437th sections of the principal Act shall be read as if for the word "nautical" were substituted the words "nautical or engineering," and as if for the word "person" and "assessor" respectively were substituted the words "person or persons" and "assessor or assessors" respectively:

(6.) No certificate shall be cancelled or suspended under this section unless a copy of the report or a statement of the case upon which the investigation is ordered has been furnished to the owner of the certificate before the commencement of the investigation, nor, in the case of investigations conducted by justices or a stipendiary magistrate, unless one assessor at least expresses his concurrence in the report. (Merchant

Discipline.

Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 23.)

Certificate to be delivered up.

242 *b.* Every master or mate or engineer whose certificate is or is to be suspended or cancelled in pursuance of this Act shall, upon demand of the board, court, or tribunal by which the case is investigated or tried, deliver his certificate to them, or, if it is not demanded by such board, court, or tribunal, shall, upon demand, deliver it to the Board of Trade, or as it directs, and in default shall for each offence incur a penalty not exceeding fifty pounds. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 24.)

Offences of seamen and apprentices and their punishments.

243. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offences he shall be liable to be punished summarily as follows; (that is to say,)

Desertion:

(1.) For desertion he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned, and also, if such desertion takes place abroad, at the discretion of the court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him:

Neglecting or refusing to join, or to proceed to sea, absence within 24 hours before sailing, and absence without leave:

(2.) For neglecting or refusing, without reasonable cause, to join his ship, or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding the amount of two days pay, and in addition for every twenty-four hours of absence either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute:

Discipline.

(3.) For quitting the ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay: **Quitting without leave before ship is secured:**

(4.) For wilful disobedience to any lawful command he shall be liable to imprisonment for any period not exceeding four weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days pay: **Act of disobedience:**

(5.) For continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the court, to forfeit for every twenty-four hours continuance of such disobedience or neglect either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute: **Continued disobedience:**

(6.) For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour: **Assault on officers:**

(7.) For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour: **Combining to disobey:**

(8.) For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour: **Wilful damage and embezzlement:**

(9.) For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy. **Act of smuggling causing loss to owner.**

243 *a.* Whenever in any proceeding against any seaman or apprentice belonging to any ship for desertion, or for neglecting or refusing to join or to proceed to sea in his ship, or for being absent from or quitting the same without leave, it is alleged by one fourth of the seamen belonging to such ship, or, if the number of such seamen exceed twenty, by not less than five such seamen, that such ship is by reason of unseaworthi- **Survey of ships alleged by seamen to be unseaworthy.**

Discipline.

ness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in such ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of such allegation, and shall for that purpose receive the evidence of the person or persons making the same, and shall have power to summon any other witnesses whose evidence they may think it desirable to hear; the court shall thereupon, if satisfied that the allegation is groundless, proceed to adjudicate, but if not so satisfied shall cause such ship to be surveyed.

Provided that no seaman or apprentice charged with desertion, or with quitting his ship without leave, shall have any right to apply for a survey under this section unless previously to his quitting his ship he has complained to the master of the circumstances so alleged in justification.

For the purposes of this section, the court shall require any of the surveyors appointed by the Board of Trade, under the Merchant Shipping Act, 1854, or any person appointed for the purpose by the Board of Trade, or, if such surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court, and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the court may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the court, including an answer to every question put to him by the court. The court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the court that the opinions expressed in such report are erroneous, the court shall determine the questions before them in accordance with those opinions

For the purposes of such survey, a surveyor shall have all the powers of an inspector appointed by the Board of Trade, under the Merchant Shipping Act, 1854.

The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them, and shall be paid in the first instance out of the Mercantile Marine Fund.

If it is proved to the satisfaction of the court that the ship is in a fit condition to proceed to sea, or, as the case may be, that the accommodation is sufficient, the costs of the survey shall be paid by the person or persons upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages due or to become due to such person or persons, and shall be paid over to the Board of Trade.

If it is proved that the ship is not in a fit condition to proceed to sea, or, as the case may be, that the accommodation is insufficient, the costs of the survey shall be paid to the Board of Trade by the master or owner. (Merchant Shipping Act, 1871, 34 & 35 Vict. c. 110. s. 7.)

Power for naval courts to direct survey of ships.

243 *b.* Any naval court may, if they think fit, direct a survey of any ship which is the subject of an investigation held before them, and such survey shall be made in the same way, and the surveyor who makes the same shall have the same powers, as if the survey had been directed by a competent court in the course of proceedings against a seaman or apprentice for desertion or a kindred offence. (Merchant Shipping Act, 1871, 34 & 35 Vict. c. 110. s. 8.)

Compensation to seamen for unnecessary detention on charge of desertion.

243 *c.* If a seaman or apprentice belonging to any ship is detained on a charge of desertion or any kindred offence, and if upon a survey of the ship being made under section seven of the Merchant Shipping Act, 1871, it is proved that she is not in a fit condition to proceed to sea, or that her accommodation is insufficient, the owner or master of the ship shall be liable to pay to such seaman or apprentice such compensation for his detention as the court having cognizance of the proceedings may award. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 9.)

Entry of offences to be made in official log, and to be read over or a copy given to the offender, and his reply, if any, to be also entered.

244. Upon the commission of any of the offences enumerated in the last preceding section* an entry thereof shall be made in the official log book, and shall be signed by the master and also by the mate or one of the crew; and the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent legal proceeding the entries herein-before required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offence.

Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to

245. Every seafaring person whom the master of any ship is, under the authority of this Act or of any other Act of Parliament, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such ship, be subject to the same laws and regulations for preserving discipline,

* See s. 243.

Discipline.

penalties for breach of discipline.

and to the same penalties and punishments for offences constituting or tending to a breach of discipline, to which he would be subject if he were a member of the crew and had signed the agreement.

Master or owner may apprehend deserters without warrant.

246. Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee, may in any place in Her Majesty's dominions, with or without the assistance of the local police officers or constables, who are hereby directed to give the same, if required, and also at any place out of Her Majesty's dominions, if and so far as the laws in force at such place will permit, apprehend him without first procuring a warrant; and may thereupon in any case, and shall in case he so requires and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such court, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board; and if any such apprehension appears to the court before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who makes the same or causes the same to be made shall incur a penalty not exceeding twenty pounds; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

Deserters may be sent on board in lieu of being imprisoned.

247. Whenever any seaman or apprentice is brought before any court on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn.

Seamen imprisoned for desertion or

248. If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join or to proceed

Discipline.

to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment and before his engagement is at an end his services are required on board his ship, any justice may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

breach of discipline may be sent on board before termination of sentence.

249. In all cases of desertion from any ship in any place abroad the master shall produce the entry of such desertion in the official log book to the person or persons hereby required to indorse on the agreement a certificate of such desertion; and such person or persons shall thereupon make and certify a copy of such entry and also a copy of the said certificate of desertion; and if such person is a public functionary he shall, and in other cases the said master shall forthwith transmit such copies to the Registrar General of Seamen in England; and the said registrar shall, if required, cause the same to be produced in any legal proceeding; and such copies, if purporting to be so made and certified as aforesaid, and certified to have come from the custody of the said registrar, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.

Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.

250. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman or apprentice was duly engaged in or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate in the United Kingdom and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log book; and thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions herein-before contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Facilities for proving desertion so far as concerns forfeiture of wages.

251. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has in the course of the voyage been convicted of any offence by any competent tribunal and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct

Costs of procuring imprisonment may to the extent of 2/ be deducted from wages.

Discipline.

a part of the wages due to such seaman, not exceeding three pounds, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Amount of forfeiture how to be ascertained when seamen contract for the voyage.

252. Whenever any seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a calendar month or other the period herein-before mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Application of forfeitures.

253. All clothes, effects, wages, and emoluments which under the provisions herein-before contained are forfeited for desertion shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place; and may, if earned subsequently to the desertion, be recovered by such master, or by the owner or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages the court may order the same to be paid accordingly; and subject to such reimbursement the same shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom; and in all other cases of forfeiture of wages under the provisions herein-before contained the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Questions of forfeitures may be decided in suits for wages.

254. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Penalty for false statement as to last ship or name.

255. If any seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding five pounds; and such penalty may be deducted from any wages he may earn by virtue of such engagement

as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

Fines to be deducted from wages, and paid to shipping master.

256. Whenever any seaman commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the official log book, and a copy of such entry shall be furnished or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made, in the manner and subject to the conditions herein-before specified with respect to the offences against discipline specified in and punishable under this Act; and such fine shall be deducted and paid over as follows; (that is to say,) if the offender is discharged in the United Kingdom, and the offence and such entries in respect thereof as aforesaid are proved, in the case of a foreign-going ship to the satisfaction of the shipping master before whom the offender is discharged, and in the case of a home trade ship to the satisfaction of the shipping master at or nearest to the place at which the crew is discharged, the master or owner shall deduct such fine from the wages of the offender, and pay the same over to such shipping master; and if before the final discharge of the crew in the United Kingdom any such offender as aforesaid enters into any of Her Majesty's ships, or is discharged abroad, and the offence and such entries as aforesaid are proved to the satisfaction of the officer in command of the ship into which he so enters, or of the consular officer, officer of customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log book (if any) and signed by such officer or other person; and on the return of the ship to the United Kingdom the master or owner shall pay over such fine, in the case of foreign-going ships to the shipping master before whom the crew is discharged, and in the case of home trade ships to the shipping master at or nearest to the place at which the crew is discharged; and if any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall for each such offence incur a penalty not exceeding six times the amount of the fine retained by him: Provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Act.

Penalty for enticing to desert, and harbouring deserters.

257. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or to proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, shall for

Discipline.

each such offence in respect of each such seaman or apprentice incur a penalty not exceeding ten pounds; and every person who wilfully harbours or secretes any seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall for every such seaman or apprentice so harboured or secreted incur a penalty not exceeding twenty pounds.

Penalty for obtaining passage surreptitiously.

258. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding twenty pounds, or be liable to imprisonment with or without hard labour for any period not exceeding four weeks.

On change of masters, documents hereby required to be handed over to successor.

259. If during the progress of a voyage the master is superseded or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and shall in default incur a penalty not exceeding one hundred pounds; and such successor shall immediately on assuming the command of the ship enter in the official log a list of the documents so delivered to him.

Naval Courts.

Naval Courts on the High Seas and abroad.

Naval courts may be summoned for hearing complaints, and investigating wrecks on the high seas or abroad.

260. Any officer in command of any ship of Her Majesty on any foreign station, or, in the absence of such officer, any consular officer, may summon a court to be termed a "naval court," in the following cases; (that is to say,)

(1.) Whenever a complaint which appears to such officer to require immediate investigation is made to him by the master of any British ship, or by any certificated mate, or by one or more of the seamen belonging to any such ship:

(2.) Whenever the interest of the owner of any British ship or of the cargo of any such ship appears to such officer to require it:

(3.) Whenever any British ship is wrecked or abandoned or otherwise lost at or near the place where such officer may be, or whenever the crew or part of the crew of any British ship which has been wrecked, abandoned, or lost abroad arrives at such place.

Constitution of such courts.

261. Every such naval court as aforesaid shall consist of not more than five and not less than three members, of whom, if possible, one shall be an officer in the naval service of Her

Majesty not below the rank of lieutenant, one a consular officer, and one a master of a British merchant ship, and the rest shall be either officers in the naval service of Her Majesty, masters of British merchant ships, or British merchants; and such court may include the naval or consular officer summoning the same, but shall not include the master or consignee of the ship to which the parties complaining or complained against may belong; and the naval or consular officer in such court, if there is only one such officer in the court, or, if there is more than one, the naval or consular officer who, according to any regulations for settling their respective ranks for the time being in force, is of the highest rank, shall be the president of such court. *Naval Courts.*

262. Every such naval court shall hear and investigate the complaint brought before it, or the cause of the wreck or abandonment, (as the case may be,) and may for that purpose summon and compel the attendance of parties and witnesses, and administer oaths, and order the production of documents, and shall conduct the investigation in such manner as to give any person against whom any charge is made an opportunity of making a defence. General functions and mode of action of such courts.

263. Every such naval court may, after hearing the case, exercise the following powers; (that is to say,) Powers of such courts:

(1.) It may, if unanimous that the safety of the ship or crew, or the interest of the owner, absolutely requires it, supersede the master, and may appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship, if then at the place: To supersede the master:

(2.) It may discharge any seaman from his ship: To discharge a seaman:

(3.) It may order the wages of any seaman so discharged or any part of such wages to be forfeited, and may direct the same either to be retained by way of compensation to the owner, or to be paid into the receipt of Her Majesty's Exchequer in the same manner as other penalties and forfeitures under this Act: To forfeit wages:

(4.) It may decide any questions as to wages, or fines, or forfeitures, arising between any of the parties to the proceedings: To decide disputes as to wages, &c.:

(5.) It may direct that all or any of the costs incurred by the master or owner of any ship in procuring the imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of such seaman or apprentice, whether then or subsequently earned: To direct costs of imprisonment to be paid out of wages:

(6.) It may exercise the same powers with regard to persons charged before it with the commission of offences at To send home offenders for trial:

Naval Courts

sea or abroad as are by this Act given to British consular officers:

To order payment of costs, &c.

(7.) It may order the costs of the proceeding before it (if any), or any portion thereof, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby; and any cost or compensation so ordered shall be paid by such person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from his wages:

And all orders duly made by any such court under the powers hereby given to it shall in any subsequent legal proceedings be deemed conclusive as to the rights of the parties.*

Orders to be entered in official log.

264. All orders made by any such naval court shall, whenever practicable, be entered in the official log book of the ship to which the parties to the proceedings before it belong, and shall be signed by the president of the court.

Report to be made of proceedings of naval courts.

265. Every such naval court shall make a report to the Board of Trade, containing the following particulars; (that is to say,)

(1.) A statement of the proceedings, with the order made by the court, and a report of the evidence:

(2.) An account of the wages of any seaman or apprentice who is discharged from his ship by such court:

(3.) If summoned in order to inquire into a case of wreck or abandonment, a statement of the opinion of the court as to the cause of such wreck or abandonment, with such remarks on the conduct of the master and crew as the circumstances require:

And every such report shall be signed by the president of the court, and every document purporting to be such a report and to be so signed as aforesaid shall, if produced out of the custody of some officer of the Board of Trade, be deemed to be such report, unless the contrary is proved, and shall be received in evidence, subject to all just exceptions.

Penalty for preventing complaint or obstructing investigation.

266. Any person who wilfully and without due cause prevents or obstructs the making of any such complaint as last aforesaid, or the conduct of any case or investigation by any naval court shall for each such offence incur a penalty not exceeding fifty pounds, or be liable to imprisonment with or without hard labour for any period not exceeding twelve weeks.

Additional powers of naval courts.

266 *a.* Any naval court summoned, under the provisions of the Merchant Shipping Act, 1854, to hear any complaint

* For power of naval court to direct a survey of a ship, *see* s. 243 *b*.

Naval Courts.

touching the conduct of the master or any of the crew of any ship, shall, in addition to the powers given to it by the said Act, have power to try the said master or any of the said crew for any offences against the Merchant Shipping Act, 1854, in respect of which two justices would, if the case were tried in the United Kingdom, have power to convict summarily, and by order duly made to inflict the same punishments for such offences which two justices might in the case aforesaid inflict upon summary conviction; provided, that in cases where an offender is sentenced to imprisonment the sentence shall be confirmed in writing by the senior naval or consular officer present at the place where the court is held, and the place of imprisonment, whether on land or on board ship, shall be approved by him as a proper place for the purpose, and copies of all sentences made by any naval court summoned to hear any such complaint as aforesaid shall be sent to the commander-in-chief or senior naval officer of the station. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 18.)

Crimes committed on the High Seas and abroad.

Crimes committed abroad.

Offences committed by British seamen at foreign ports to be within Admiralty jurisdiction.

267. All offences against property or person committed in or at any place either ashore or afloat out of Her Majesty's dominions by any master, seaman, or apprentice who at the time when the offence is committed is or within three months previously has been employed in any British ship shall be deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined, and adjudged in the same manner and by the same courts and in the same places as if such offences had been committed within the jurisdiction of the Admiralty of England; and the costs and expenses of the prosecution of any such offence may be directed to be paid as in the case of costs and expenses of prosecutions for offences committed within the jurisdiction of the Admiralty of England.

Conveyance of offenders and witnesses to United Kingdom or some British possession.

268. The following rules shall be observed with respect to offences committed on the high seas or abroad; (that is to say,)

(1.) Whenever any complaint is made to any British consular officer of any of the offences mentioned in the last preceding section, or of any offence on the high seas having been committed by any master, seaman, or apprentice belonging to any British ship, such consular officer may inquire into the case upon oath, and may if the case so requires take any steps in his power for the purpose of placing the offender under necessary restraint and of sending him as

Crimes committed abroad.

soon as practicable in safe custody to the United Kingdom, or to any British possession in which there is a court capable of taking cognizance of the offence, in any ship belonging to Her Majesty or to any of her subjects, to be there proceeded against according to law:

(2.) For the purpose aforesaid such consular officer may order the master of any ship belonging to any subject of Her Majesty bound to the United Kingdom or to such British possession as aforesaid to receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, so that such master be not required to receive more than one offender for every one hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage; and such consular officer shall indorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Board of Trade requires:

(3.) Every such master shall on his ship's arrival in the United Kingdom, or in such British possession as aforesaid, give every offender so committed to his charge into the custody of some police officer or constable, who shall take the offender before a justice of the peace or other magistrate by law empowered to deal with the matter, and such justice or magistrate shall deal with the matter as in cases of offences committed upon the high seas:

And any such master as aforesaid who, when required by any British consular officer to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford such passage and subsistence to him, or who does not deliver any offender committed to his charge into the custody of some police officer or constable as herein-before directed, shall for each such offence incur a penalty not exceeding fifty pounds; and the expense of imprisoning any such offender and of conveying him and the witnesses to the United Kingdom or to such British possession as aforesaid in any manner other than in the ship to which they respectively belong, shall be part of the costs of the prosecution, or be paid as costs incurred on account of seafaring subjects of Her Majesty left in distress in foreign parts.

Inquiry into cause of death on board

269. Whenever any case of death happens on board any foreign-going ship, the shipping master shall on the arrival of such ship at the port where the crew is discharged inquire into the cause of such death, and shall make on the list of the crew delivered to him as herein required an indorsement to the effect either that the statement of the cause of death

therein contained is in his opinion true or otherwise, as the result of the inquiry requires; and every such shipping master shall for the purpose of such inquiry have the powers hereby given to inspectors appointed by the Board of Trade under the first part of this Act; and if in the course of such inquiry it appears to him that any such death as aforesaid has been caused by violence or other improper means, he shall either report the matter to the Board of Trade, or, if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.

Crimes committed abroad.

270. Whenever in the course of any legal proceedings instituted in any part of Her Majesty's dominions before any judge or magistrate, or before any person authorised by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, then upon due proof, if such proceeding is instituted in the United Kingdom, that such witness cannot be found in that kingdom, or if in any British possession, that he cannot be found in the same possession, any deposition that such witness may have previously made on oath in relation to the same subject matter before any justice or magistrate in Her Majesty's dominions, or any British consular officer elsewhere, shall be admissible in evidence, subject to the following restrictions; (that is to say,)

Depositions to be received in evidence when witness cannot be produced.

(1.) If such deposition was made in the United Kingdom, it shall not be admissible in any proceeding instituted in the United Kingdom:

(2.) If such a deposition was made in any British possession, it shall not be admissible in any proceeding instituted in the same British possession:

(3.) If the proceeding is criminal it shall not be admissible unless it was made in the presence of the person accused:

Every deposition so made as aforesaid shall be authenticated by the signature of the judge, magistrate, or consular officer before whom the same is made; and such judge, magistrate, or consular officer shall, when the same is taken in a criminal matter, certify, if the fact is so, and that the accused was present at the taking thereof, but it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified; but nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any Act of Parliament, or by any Act or Ordinance of the legislature of any colony, so far as regards such colony, or to interfere with the power of any colonial

Crimes committed abroad.

legislature to make such depositions admissible in evidence, or to interfere with the practice of any court in which depositions not authenticated as herein-before mentioned are admissible.

Registration and Returns respecting Seamen.

Registration of and Returns respecting Seamen.

Establishment of register office.

271. There shall be in the port of London an office, to be called the "General Register and Record Office of Seamen," and the Board of Trade shall have control over the same, and may appoint and from time to time remove a registrar general, and such assistants, clerks, and servants as may be necessary, and may from time to time, with the consent of the Treasury, regulate their salaries and allowances; and such salaries and allowances, and all other necessary expenses, shall be paid by the Treasury out of any moneys to be granted by Parliament for that purpose; and the Board of Trade may direct the business of the register office at any of the outports to be transacted at the shipping office, or, with the consent of the Commissioners of Customs, at the custom house of the port, and may appoint the shipping master, or, with such consent as aforesaid, some officer of customs, to conduct the same; and such business shall thereupon be conducted accordingly, but shall in all cases be subject to the immediate control of the Board of Trade.

Register of seamen to be kept

272. The said Registrar General of Seamen* shall by means of the agreements, lists, and other papers to be transmitted to him as herein directed, or by such other means as are in his power, keep a register of all persons who serve in ships subject to the provisions of this Act.

Lists to be made for all ships, containing certain particulars.

273. Every master of every foreign-going ship of which the crew is discharged in the United Kingdom, in whatever part of Her Majesty's dominions the same is registered, and of every home trade ship, shall make out and sign a list in a form sanctioned by the Board of Trade, containing the following particulars; (that is to say,)

(1.) The number and date of the ship's register and her registered tonnage:

(2) The length and general nature of the voyage or employment:

(3) The Christian names, surnames, ages, and places of birth of all the crew, including the master and apprentices; their qualities on board, their last ships or other employments, and the dates and places of their joining the ship:

(4) The names of any members of the crew who have died or otherwise ceased to belong to the ship, with the times, places, causes, and circumstances thereof:

* Title altered to "Registrar General of Shipping and Seamen" by Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 4.

Registration and Returns respecting Seamen.

(5.) The names of any members of the crew who have been maimed or hurt, with the times, places, causes, and circumstances thereof:

(6.) The wages due to any of the crew who have died, at the times of their respective deaths:

(7.) The clothes and other effects belonging to any of the crew who have died, with a statement of the manner in which they have been dealt with, and the money for which any of them have been sold:

(8.) *The name, age, and sex of every person, not being one of the crew, who dies on board, with the date and the cause thereof:*

(9.) *Every birth which happens on board, with the date thereof, the sex of the infant, and the names of the parents:**

(10.) Every marriage which takes place on board, with the date thereof, and the names and ages of the parties.

Lists for foreign-going ships to be delivered to shipping master on arrival.

274. In the case of foreign-going ships, the master shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, deliver to the shipping master before whom the crew is discharged such list as herein-before required, and if he fails so to do shall for every default incur a penalty not exceeding five pounds; and such shipping master shall thereupon give to the master a certificate of such delivery; and no officer of customs shall clear inwards any foreign-going ship without the production of such certificate, and any such officer may detain any such ship until the same is produced.

Registration of births and deaths at sea.

274 *a.* The provisions of this Act, save as is herein expressly provided,† shall not apply to the registration of births and deaths on board a vessel at sea, with respect to which the following provisions shall have effect:

(1.) The captain or master of or other person having the command or charge of a British ship shall, as soon as may be after the occurrence of the birth of a child or the death of a person on board such ship, record in his log book or otherwise the fact of such birth or death, and the particulars required by the fourth schedule to this Act to be registered concerning such birth or death, or such of them as may be known to him, and shall, (unless the ship is one of Her Majesty's ships,) upon the arrival of such ship at any port of the United Kingdom, or at such other time or place as the Board of Trade may from time to time with respect to any ship or class of ships direct, deliver or

* Words in italics repealed by the Births and Deaths Registration Act, 1874, 37 & 38 Vict. c. 88. s. 54.

† See 37 & 38 Vict. c. 88. s. 8.

Registration and Returns respecting Seamen.

send, in such form and manner as the Board of Trade may from time to time direct, a return of the facts so recorded to the Registrar General of Shipping and Seamen.

(2.) Where a ship which is not a British ship carries passengers to or from any port of the United Kingdom as the port of destination or the port of departure of such ship, the provisions of this section shall apply to the captain or master of or other person having the command or charge of such ship, in like manner as if it were a British ship.

(3.) Where the said return is directed by the Board of Trade (whether the ship is British or foreign) to be delivered upon the arrival of the ship, or the discharge of the crew, or otherwise, at any port or place out of the United Kingdom, the Board of Trade may, if they think fit, direct that the return instead of being delivered to the Registrar General of Shipping and Seamen shall be delivered, and the same shall accordingly be delivered, if such port or place is within Her Majesty's dominions, to the shipping master or collector of customs at such port or place, and if it is a foreign port or place, to the principal British consular officer at the said foreign port or place, and such shipping master, collector, or officer shall send the same, as soon as may be, by post or otherwise, to the Registrar General of Shipping and Seamen.

(4.) Where it appears from any such return that the father of any child so born, or if the child is a bastard the mother of such child, was a Scotch or Irish subject of Her Majesty, or that any person whose death is mentioned in such return was a Scotch or Irish subject of Her Majesty, the Registrar General of Shipping and Seamen shall from time to time send a certified copy of so much of the return as relates to such birth or death to the Registrar General of Births and Deaths in Scotland or Ireland, as the case may require.

(5.) The Registrar General of Shipping and Seamen shall from time to time send to the Registrar General of Births and Deaths in England a certified copy of every other such return, or of that part of every such return which is not so sent to the Registrar General of Births and Deaths in Scotland or Ireland.

(6.) A captain of or other person having charge of one of Her Majesty's ships shall, upon the arrival of any such ship in any port of the United Kingdom, or at such other time as the Commissioners of the Admiralty may from time to time direct, deliver or send, in such manner and form as the said Commissioners may from time to time direct, a return of the

facts recorded in pursuance of this section to that Registrar General of Births and Deaths to whom a copy of such return would, if the ship were a merchant ship, be sent under the provisions of this section by the Registrar General of Shipping and Seamen.

(7.) Every Registrar General of Births and Deaths to whom a copy of any return or a return is sent in pursuance of this section shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called a marine register book, and such book shall be deemed to be a certified copy of a register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.

(8.) Every captain or master of or other person having charge of a ship who fails to comply with this section shall be liable to a penalty not exceeding five pounds for each offence; and such penalty may be recovered in the same courts and places and in the like manner, and when recovered shall be applied in like manner, as a penalty under the Merchant Shipping Act, 1854.

(9.) This section shall extend to all places and persons within British jurisdiction.

(10.) Terms in this section shall have the same meaning as in the Merchant Shipping Act, 1854. (Births and Deaths Registration Act, 1874, 37 & 38 Vict. c. 88. s. 37.)

FOURTH SCHEDULE.

Particulars to be registered by Captain of a Ship concerning a Birth at Sea.

Date of birth.
Name (if any) and sex of the child.
Name and surname, and rank, profession, or occupation of the father.
Name and surname, and maiden surname of mother.
Nationality and last place of abode of the father and mother.

Particulars to be registered by Captain of a Ship concerning a Death at Sea.

Date of death.
Name and surname.
Sex.
Age.
Rank, profession, or occupation.
Nationality and last place of abode.
Cause of death.

Registration and Returns respecting Seamen.

Lists to be delivered by home trade ships half-yearly.

275. The master or owner of every home trade ship shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some shipping Master in the United Kingdom such list as herein-before required for the preceding half-year, and shall in default incur a penalty not exceeding five pounds; and such shipping master shall give to the master or owner a certificate of such transmission or delivery; and no officer of customs shall grant a clearance or transire for any home trade ship without the production of such certificate, and any such officer may detain any such ship until the same is produced.

Lists to be sent home in case of transfer of ship and in case of loss.

276. If any ship ceases by reason of transfer of ownership or change of employment to fall within the definition of a foreign-going or of a home trade ship, the master or owner thereof shall, if such ship is then in the United Kingdom, within one month, and if she is elsewhere, within six months, deliver or transmit to the shipping master at the port to which the ship has belonged such list as herein-before mentioned, duly made out to the time at which she ceased to be a foreign-going or home trade ship, and in default shall for each offence incur a penalty not exceeding ten pounds; and if any ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the shipping master at the port to which the ship belonged such list as herein-before mentioned duly made out to the time of such loss or abandonment, and in default shall for each offence incur a penalty not exceeding ten pounds.

Shipping masters and other officers to transmit documents to registrar

Registrar to permit inspection, to produce originals, and give copies.

277. All shipping masters and officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where such documents come into their hands, or for any other proper purpose, and shall, if required, produce them for any of such purposes, and shall then transmit them to the Registrar General of Seamen, to be by him recorded and preserved; and the said registrar shall, on payment of a moderate fee to be fixed by the Board of Trade, or without payment of any fee if the Board of Trade so directs, allow any person to inspect the same; and in cases in which the production of the original of any such document in any court of justice or elsewhere is essential, shall produce the same, and in other cases shall make and deliver to any person requiring it a certified copy of any such document or of any part thereof; and every copy purporting to be so made and certified shall be received in evidence, and shall have all the effect of the original of which it purports to be a copy.

Registration and Returns respecting Seamen.

278. The collector or comptroller of customs at every port in the United Kingdom shall on or before the first day of February and the first day of August in every year transmit to the Registrar General of Seamen a list of all ships registered in such port, and also of all ships whose registers have been transferred or cancelled in such port since the last preceding return.

Officers of customs to make returns of ships to registrar.

279. The following rules shall be observed with respect to the delivery of documents to British consular officers; (that is to say,)

Agreements, indentures, and assignments, on arrival at a foreign port to be deposited with the consul, and at a colony with the officers of customs.

(1.) Whenever any ship, in whatever part of Her Majesty's dominions the same is registered, (except ships whose business for the time being is to carry passengers,) arrives at any foreign port where there is a British consular officer, or at any port in any British possession abroad, and remains thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to such consular officer, or to the chief officer of customs, (as the case may be,) the agreement with the crew, and also all indentures and assignments of apprenticeships, or, in the case of a ship belonging to a British possession, such of the said documents as such ship is provided with:

(2.) Such officer shall keep such documents during the ship's stay in such port, and, in cases where any indorsements upon the agreement are hereby required, shall duly make the same, and shall return the said documents to the master a reasonable time before his departure, with a certificate indorsed on the agreement, stating when the same were respectively delivered and returned:

(3.) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, such officer shall make an indorsement to that effect on the agreement, and forthwith transmit a copy of such indorsement, with the fullest information he can collect regarding such neglect or transgression, to the Registrar General of Seamen:

And if any master fails to deliver any such document as aforesaid he shall for every such default incur a penalty not exceeding twenty pounds; and in any prosecution for such penalty it shall lie upon the master either to produce the certificate of the consular officer or officer of customs hereinbefore required, or to prove that he duly obtained the same or that it was impracticable for him so to do.

Official Logs.

Official logs to be kept in forms sanctioned by Board of Trade.

280. The Board of Trade shall sanction forms of official log books, which may be different for different classes of ships so that each such form contains blanks for the entries hereinafter required; and an official log of every ship (except ships employed exclusively in trading between ports on the coasts of the United Kingdom) shall be kept in the appropriate sanctioned form; and such official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or united therewith, so that in all cases all the blanks in the official log be duly filled up.

Entries to be made in due time.

281. Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival

Entries required in official log.

282. Every master of a ship for which an official log book is hereby required shall make or cause to be made therein entries of the following matters; (that is to say,)

Convictions. (1.) Every legal conviction of any member of his crew, and the punishment inflicted:

Offences. (2.) Every offence committed by any member of his crew, for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge, as herein-before required:

Punishments. (3.) Every offence for which punishment is inflicted on board, and the punishment inflicted:

Conduct, &c. of crew. (4.) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars:

Illnesses and injuries. (5.) Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any):

Deaths. (6.) *Every case of death happening on board, and of the cause thereof:*

Births (7.) *Every birth happening on board, with the sex of the infant and the names of the parents:**

Marriages. (8.) Every marriage taking place on board, with the names and ages of the parties:

* Words in italics repealed by the Births and Deaths Registration Act, 1874, 37 & 38 Vict. c. 88. s. 54

Official Logs.

(9.) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof: Quitting ship.

(10.) The amount of wages due to any seaman who enters Her Majesty's service during the voyage: Wages of men entering navy.

(11) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom: Wages of deceased seamen.

(12.) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and of the sum received for it: Sale of deceased men's effects.

(13.) Every collision with any other ship, and the circumstances under which the same occurred. Collisions.

283. The entries hereby required to be made in official log books shall be signed as follows; that is to say, every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, or death shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to or of the sale of the effects of any seaman or apprentice who dies shall be signed by the master and by the mate and some other member of the crew; and every entry of wages due to any seaman who enters Her Majesty's service shall be signed by the master, and by the seaman or by the officer authorised to receive the seaman into such service. Entries how to be signed.

284. The following offences in respect of official log books shall be punishable as herein-after mentioned; (that is to say,) Penalties in respect of official logs.

(1.) If in any case an official log book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log book is not made at the time and in the manner hereby directed, the master shall for each such offence incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding five pounds:

(2.) Every person who makes or procures to be made or assists in making any entry in any official log book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after such arrival, shall for each such offence incur a penalty not exceeding thirty pounds:

(3) Every person who wilfully destroys or mutilates or renders illegible any entry in any official log book, or who wilfully makes or procures to be made or

Official Logs.

assists in making any false or fraudulent entry or omission in any such log book, shall for each such offence be deemed guilty of a misdemeanor

Entries in official logs to be received in evidence.

285. All entries made in any official log book as herein-before directed shall be received in evidence in any proceeding in any court of justice, subject to all just exceptions.

Official logs to be delivered to shipping master.

286. In the case of foreign-going ships the master shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, deliver to the shipping master before whom the crew is discharged the official log book of the voyage; and the master or owner of every home trade ship, not exclusively employed in trading between ports on the coasts in the United Kingdom, shall within twenty-one days after the thirtieth day of June, and the thirty-first day of December in every year transmit or deliver to some shipping master in the United Kingdom the official log book for the preceding half year, and every master or owner who refuses or neglects to deliver his official log book as hereby required shall be subject to the same consequences and liabilities to which he is hereby made subject for the non-delivery of the list of his crew herein-before mentioned.

Official logs to be sent home in case of transfer of ship, and in case of loss.

287. If any ship ceases by reason of transfer of ownership or change of employment to fall within the definition of a foreign-going or of a home trade ship, the master or owner thereof shall, if such ship is then in the United Kingdom, within one month, and if she is elsewhere, within six months, deliver or transmit to the shipping master at the port to which the ship belonged the official log book (if any) duly made out to the time at which she ceased to be a foreign-going or home trade ship, and in default shall for each offence incur a penalty not exceeding ten pounds; and if any ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the shipping master at the port to which the ship belonged the official log book (if any) duly made out to the time of such loss or abandonment, and in default shall for each offence incur a penalty not exceeding ten pounds.

India and Colonies.

India and Colonies.

Provisions of Act, as applied by East Indian and colonial governments to their own ships, may be enforced

288. If the governor general of India in Council, or the respective legislative authorities in any British possession abroad, by any Acts, Ordinances, or other appropriate legal means, apply or adapt any of the provisions in the third part of this Act contained to any British ships registered at, trading with, or being at any place within their respective juris-

dictions, and to the owners, masters, mates, and crews thereof, such provisions, when so applied and adapted as aforesaid, and as long as they remain in force, shall in respect of the ships and persons to which the same are applied be enforced, and penalties and punishments for the breach thereof shall be recovered and inflicted, throughout Her Majesty's dominions, in the same manner as if such provisions had been hereby so adopted and applied, and such penalties and punishments had been hereby expressly imposed.

throughout the empire.

289. Every Act, Ordinance, or other form of law to be passed or promulgated by the governor general of India in Council, or by any other legislative authority, in pursuance of this Act, shall respectively be subject to the same right of disallowance or repeal, and require the same sanction or other acts and formalities, and be subject to the same conditions in all respects, as exist and are required in order to the validity of any other Act, Ordinance, or other form of law passed by such governor general in Council or other legislative authority respectively.

East Indian and colonial Acts to be subject to disallowance, and require sanction as in other cases.

290. If in any matter relating to any ship or to any person belonging to any ship there appears to be a conflict of laws, then, if there is in the third part of this Act any provision on the subject which is hereby expressly made to extend to such ship, the case shall be governed by such provision, and if there is no such provision the case shall be governed by the law of the place in which such ship is registered.

Conflict of laws.

Royal Naval Reserve.

290 *a.* It shall be lawful for the Lord High Admiral, or Commissioners for executing the office of Lord High Admiral, to raise and from time to time to keep up a number of men not exceeding thirty thousand, to be called "The Royal Naval Volunteers," such men to be raised by voluntary entry from among seafaring men and others who may be deemed suitable for the services in which such volunteers may be employed, and to be so raised and entered at such times and in such places in the United Kingdom and the Islands of Man, Guernsey, Jersey, Alderney, and Sark, or any of them, by such persons and in such manner as the said Lord High Admiral or Commissioners shall from time to time direct. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40, s. 1.)

Power to Admiralty to raise "Royal Naval Volunteers," not to exceed 30,000 men.

290 *b.* Every volunteer raised under this Act shall be entered for the term of five years, and shall continue subject as a volunteer to the provisions of this Act during such term, and no longer, save as herein-after otherwise provided; and at

Term of service.

Royal Naval Reserve.

the expiration of every fifth year of the period of his service as a volunteer he shall be entitled to claim his discharge, save as herein-after provided; but when any volunteer shall be entitled to claim his discharge as aforesaid, he shall continue liable to the provisions of this Act until actually discharged from such volunteers by the said Lord High Admiral or Commissioners, or by some officer duly appointed by him or them to give such discharges. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 2)

Volunteers may be trained and exercised for 28 days in each year, and on shore or on board ship.

290 *c.* The Lord High Admiral, or Commissioners for executing the office of Lord High Admiral, may cause all or any of the volunteers under this Act to be instructed, trained, and exercised on shore or on board any ships or vessels, or partly on shore and partly on board any ships or vessels; and for the purpose of such instruction, training, and exercise all or any of such volunteers may be called out, and may be required to attend at such times and places, and may be placed under the command of such officers as the said Lord High Admiral or Commissioners may think fit, and may form part of and be under the like command as the respective crews of any of Her Majesty's ships or vessels of war which the said Lord High Admiral or Commissioners may see fit to cause them to join: Provided always, that no volunteer shall under this enactment be required to attend instruction, training, and exercise more than twenty-eight days in the whole in any one year. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 3.)

Her Majesty may order the volunteers to be called into actual service.

290 *d.* It shall be lawful for Her Majesty, on such occasions as she shall deem fit (the occasion being first communicated to Parliament if Parliament be sitting, or declared in council and notified by proclamation if Parliament be not sitting or in being,) to order and direct that the volunteers under this Act, or so many or such part of them as Her Majesty may deem necessary, shall be called into actual service. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s 4.)

Volunteers to be called into actual service accordingly.

290 *e.* Whenever Her Majesty shall as aforesaid order all or any number or part of the volunteers under this Act to be called into actual service, the Lord High Admiral, or Commissioners for executing the office of Lord High Admiral, shall cause the said volunteers, or such number or part of them as Her Majesty may have ordered, to be called into actual service accordingly; and the volunteers so called into actual service shall be liable to serve on shore or on board any ships or vessels, or partly on shore and partly on board any ships or vessels, as the said Lord High Admiral or Commissioners may direct; and such volunteers shall be placed under the command of such officers as the said Lord High Admiral or Commissioners may direct, and where he or they may so

Royal Naval Reserve.

direct, shall form part of the crews, and be under the like command as the respective crews of any of Her Majesty's ships or vessels of war which the said Lord High Admiral or Commissioners may see fit to cause them to join; and every such volunteer so called into actual service shall be liable to such service for the term of three years from the time of his coming into actual service, and at the expiration of such period he shall be entitled to be discharged from actual service: Provided always, that it shall be lawful for Her Majesty, in case she see fit, on any emergency by proclamation to declare that such volunteers as may at the date of such proclamation be in actual service as aforesaid shall continue in such actual service for the period of five years from the date of their respectively coming into actual service, if their services be so long required, and such volunteers shall not be entitled to claim their discharge during such period, and every such volunteer who may be in actual service at the date of such proclamation shall be liable to such service accordingly; and every volunteer whose period of actual service is extended under or in consequence of such proclamation shall, beyond three years from the date of his coming into actual service, be entitled to receive for his services during the extra period for which they are required beyond such three years twopence per day in addition to his ordinary pay: Provided also, that in case any such volunteer be called into actual service, and shall be detained in such service for a period of less than five years, he shall, during the period of five years from the date of his joining the Royal Naval Volunteers, be liable from time to time to be again called into actual service, and to serve therein for such period as with his former actual service will make up a period of five years actual service, but after three years actual service, either continuously or from time to time during his engagement as a royal naval volunteer, he will be entitled as aforesaid to twopence per day, in addition to his ordinary pay, for the period of his actual service beyond three years. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 5.)

Volunteers to serve in navy three years.

The service of volunteers in actual service may be extended two years by proclamation.

Volunteers whose services are extended entitled to extra pay.

As to serving in the navy at intervals.

290 *f.* The volunteers under this Act shall, for such time as they shall be called out for, and shall attend instruction, training, and exercise, be victualled in the same manner as seamen of the fleet; or if trained on shore and not victualled, they shall be entitled to a money allowance in lieu of provisions, at such rate per diem each as may be established on this behalf by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral; and for such time as they shall be in actual service under this Act they shall be entitled when on shore or afloat to the pay and other advantages of petty officers or seamen in the Royal Navy entered for ten years continuous and general service,

Volunteers when called out to be victualled in the same manner as seamen of the fleet.

Royal Naval Reserve.

according to the ratings which they may be found qualified to fill; and they shall be entitled to such conduct money in respect of travelling to and from any place at which they may be required to attend for instruction, training, and exercise, or for the purpose of entering into actual service as aforesaid, as may be allowed by the regulations made under this Act: Provided always, that any such volunteer who may be appointed, and be or perform the duties of a petty officer, shall be entitled to the pay and allowances of a petty officer in the Royal Navy of the same rank, in lieu of the pay and allowances of an able seaman in the navy. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 6.)

Volunteer exempt from militia and from being a peace or parish officer;

and, under certain regulations, eligible for Greenwich Hospital.

290 *g.* Every volunteer under this Act shall, while he shall be such volunteer, be exempt from service in the militia, and from serving as a peace or parish officer, and upon his entering the Royal Naval Volunteers he shall cease to be a royal naval coast volunteer, if then belonging to that force; and every such volunteer shall under such regulations as the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, may from time to time establish, be eligible for admission into the royal hospital at Greenwich, and be thereupon entitled to the same privileges and advantages as men who are, or may be, or have been in Her Majesty's navy. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 7.)

Provisions relating to billeting marines to extend to volunteers.

290 *h.* All provisions for the time being in force for and in relation to the billeting of the royal marines shall extend and be applicable to the volunteers under this Act during such time as they shall attend instruction, training, and exercise, or be in actual service; and all powers and authorities for or in relation to the billeting of the royal marines, which may be exercised by any colonel, commandant, or commanding officer of any division of royal marines, may, for the purpose of billeting such volunteers, be exercised by any officer in the Royal Navy holding the rank of commander, or any higher rank authorised in this behalf by the regulations made under this Act. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 8.)

Admiralty to make regulations as to sums to be paid to volunteers for entering or re-entering under this Act.

290 *i.* It shall be lawful for the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, from time to time to make regulations as to the sums to be paid to volunteers under this Act, by way of periodical payment or allowance, in consideration of their entering under this Act, and to volunteers or persons who may have served as volunteers, in consideration of their re-entering under this Act, such periodical payment or allowance, during the term of service for which the volunteer is entered, to be paid in such portions, at such times, by such persons, and under such

conditions as the said Lord High Admiral or the Commissioners may from time to time direct: Provided always, that such periodical payments shall be paid in the United Kingdom, or in the Islands of Man, Guernsey, Jersey, Alderney, and Sark, and nowhere else, and only to the volunteer himself, and not to his attorney, agent, or assign. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c 40. s. 9.)

Royal Naval Reserve.

290 *j*. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, to grant pensions to volunteers under this Act, with the consent of the Commissioners of Her Majesty's Treasury; and it shall be lawful for the said Lord High Admiral or Commissioners to make regulations as to the amount, the time or respective times, and the manner of the payment of such pensions, and at what ages such pensions shall be payable: Provided always, that any pension conferred under this Act shall be paid to the pensioner himself only, and not to his agent, attorney, or assign. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 10.)

Admiralty to grant pensions to volunteers.

290 *k*. Whenever any emergency shall arise which, in the opinion of the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, renders it advisable to require the services in Her Majesty's Navy of any of the persons who may have been pensioned, and be in the receipt of pensions, under this Act, it shall be lawful for such Lord High Admiral or Commissioners to order any of such persons to join Her Majesty's Navy; and those so ordered shall join such of Her Majesty's ships or vessels of war as the said Lord High Admiral or Commissioners may at any time or times direct, and shall form the crews or parts of the crews of such ships or vessels, and shall continue to serve in Her Majesty's Navy during such time as such emergency may in the opinion of the said Lord High Admiral or Commissioners continue; and while so serving shall be entitled to the same pay and allowances, according to their respective ratings on board such ships or vessels, as petty officers in Her Majesty's Navy and men in Her Majesty's Navy entered for ten years continuous and general service, and shall also continue to receive their pensions. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 11)

In cases of emergency pensioners to join Her Majesty's Navy.

290 *l*. All the laws and customs for the time being in force for the government of Her Majesty's ships, vessels, and forces by sea, and applicable to any person in or belonging to the fleet, or to any person being in actual service and full pay, and part of the crew of any of Her Majesty's ships or vessels, shall be applicable in like manner to every person pensioned under this Act during such period as he shall be in actual

Laws and customs in force for the government of Her Majesty's fleet to be applicable to pensioners while on actual service.

Royal Naval Reserve.

service, either on board any ship or vessel or otherwise under this Act; and every such person as aforesaid required to serve in the navy under this Act who shall not at or within such time as may be appointed by any order of the Lord High Admiral, or Commissioners for executing the office of Lord High Admiral, made under this Act, appear for the purpose of entering into actual service, or join any of Her Majesty's ships or vessels which he may be required to join for that purpose, shall be liable to be apprehended and punished in the same manner as any person belonging to Her Majesty's Navy, and deserting or improperly absenting himself from duty. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 12.)

Admiralty to make regulations as to the manner or form in which volunteers shall be entered to serve.

290 *m.* It shall be lawful for the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, from time to time to make regulations as to the manner or form in which volunteers under this Act shall be entered to serve; and generally as to the entering and re-entering of men as such volunteers; and as to the arms, clothing, and accoutrements with which such volunteers are to be provided; and for forming such volunteers into divisions or classes, or other bodies, and assigning numbers to them; and as to the manner in which notices of the times and places at which such volunteers may be required to attend instruction, training, and exercise; and for the purpose of their entering into actual service under the provisions of this Act; and for securing and enforcing the attendance, good conduct, and discipline of and among such volunteers; and for imposing fines or forfeitures of pay, allowances, or pensions for misconduct and breach of discipline or of any such regulations; and as to the pay and allowances to officers commanding such volunteers; and generally as to all other matters and proceedings under this Act. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 13.)

Admiralty may discharge volunteers.

290 *n.* It shall be lawful for the Lord High Admiral, or Commissioners for executing the office of Lord High Admiral, in his or their discretion at any time to discharge any of the volunteers raised under this Act. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 14.)

Laws relating to the government of the navy extended to volunteers during exercise, and to such volunteers and others when in actual service.

290 *o.* All the laws and customs for the time being in force for the government of Her Majesty's ships, vessels, and forces by sea, and applicable to any person in or belonging to the fleet, or to any person being in actual service and full pay, and part of the crew of any of Her Majesty's ships or vessels, shall be applicable in like manner to every volunteer under this Act during such period as he shall be on board any ship or vessel for the purpose of instruction, training, and exercise, or shall be otherwise under instruction, training, and exercise;

Royal Naval Reserve.

and to every such volunteer during such time as he shall be in actual service, either on board any ship or vessel or otherwise under this Act; and to all officers having any command over any such volunteers during the time of instruction, training, and exercise, or while in actual service; and the said volunteers under this Act shall while in actual service have the same privileges of making allotments of wages and of making remittances, and otherwise have the benefit of and be subject to the provisions of the laws relating to the pay of the Royal Navy in like manner as officers and men of their respective ratings in Her Majesty's navy; and the laws concerning the discharge of seamen serving on board Her Majesty's ships, and becoming entitled to be discharged, shall be applicable to and for the discharge of any of the said volunteers. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 15.)

Penalty on joining the forces as a new volunteer more than once during the same period.

290 *p*. If any person shall enter or attempt to enter the Royal Naval Volunteers as a new volunteer more than once during the whole or any part of the same period of service, he shall for every such act forfeit and pay any sum not exceeding twenty pounds. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 16.)

Information to be transmitted by shipping master.

290 *q*. Every shipping master acting under "The Merchant Shipping Act, 1854," shall give all the assistance in his power towards carrying into effect the objects of this Act in such manner as the Board of Trade, at the instance of the Lords Commissioners of the Admiralty, may direct; and every such shipping master shall for this purpose have the power to call for such answers or information concerning reserve men from the masters of and other persons belonging to British merchant ships as may be necessary or desirable in order to enable him to render such assistance as aforesaid, or to make any returns which the Board of Trade or the Lords Commissioners of the Admiralty may require; and every master of or other person belonging to a British merchant ship who, when duly called on by the shipping master, omits or refuses to give any such answer or information as aforesaid which it is in his power to give, shall be liable to a penalty not exceeding five pounds. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 17.)

Enlistment of volunteers under this Act in Her Majesty's regular or Indian forces, or in the militia, or Naval Coast Volunteers, and entering of

290 *r*. In case any officer, sergeant, or other person enlist any man to serve in Her Majesty's regular forces, or in Her Majesty's Indian forces, or in the militia, or in the Royal Naval Coast Volunteers, who at the time of such enlisting is entered to serve as a volunteer under this Act, such enlisting shall be null and void; and in case any person enter any man to serve as a volunteer under this Act who at the time of such entering is enrolled to serve in the militia, or belongs to the Royal

Royal Naval Reserve.

militia as Naval Coast Volunteers under this Act to be void.

Punishment of persons offending.

Naval Coast Volunteers, such entering shall be null and void; and any such volunteer under this Act offering himself to be enlisted in Her Majesty's regular forces, or in Her Majesty's Indian forces, or who shall be enlisted or enrolled or offer himself to be enlisted or enrolled as a militiaman, or to serve in the Royal Naval Coast Volunteers, and every militiaman or any royal naval coast volunteer offering himself to be entered as a volunteer under this Act, shall, on conviction thereof, upon the oath of one witness before any justice of the peace in or near to the place where the offence shall be committed, or where the offender may at any time happen to be, be committed to the common gaol or house of correction for any term not exceeding six months; and any officer or other person knowingly enlisting or enrolling any volunteer under this Act to serve in Her Majesty's regular forces, or in Her Majesty's Indian forces, or in the militia, or in the Royal Naval Coast Volunteers, or knowingly entering any militiaman or royal naval coast volunteer to serve as a volunteer under this Act, shall for every such offence forfeit and pay any sum not exceeding twenty pounds: Provided always, that men may, on their application to that effect, be discharged by proper authority from the Royal Naval Coast Volunteers to be enrolled as volunteers under this Act. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 18.)

Penalty on selling or buying arms, &c. of volunteers.

290 s. Any volunteer under this Act who shall sell, pawn, or lose any of his arms, clothes, accoutrements, or ammunition, slops or necessaries, or any of such articles provided for him under this Act, or refuse or neglect to return the same in good order to any person appointed by or under the authority of the Lord High Admiral, or Commissioners for executing the office of Lord High Admiral, to receive the same, shall for every such offence forfeit any sum not exceeding three pounds; and every person who shall knowingly and wilfully buy, take in exchange, receive in pledge, or otherwise receive or conceal any arms, clothes, accoutrements, or ammunition, or slops or necessaries belonging to any such volunteer or provided for him under this Act, shall for every such offence forfeit and pay any sum not exceeding ten pounds, and the treble value of all or any of the articles so bought, taken in exchange, received, or concealed; and if any person shall prove, on oath before a justice of the peace or person exercising like authority, that there is reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any such arms, clothes, accoutrements, or ammunition, or slops or necessaries, such justice or person may and he is hereby required to grant a warrant to search for such arms, clothes, accoutrements, and ammunition, and slops and necessaries, as in the case of stolen goods; and if upon search any such articles shall be found, the same shall

Royal Naval Reserve.

and may be seized by the officer charged with the execution of such warrant, or any person aiding him therein, who shall bring the offender in whose possession or upon whose premises the same shall be found before such justice or person, to be dealt with according to law. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 19.)

Penalty on volunteer for not attending training and exercise.

290 *t*. Every volunteer under this Act, unless absent from the United Kingdom, in conformity with the regulations that may be made at any time or times by the aforesaid Lord High Admiral or Commissioners, or labouring under any infirmity incapacitating him, who shall not attend at any time and place, or on board the ship at or on board of which he shall be appointed to attend or join for the purpose of instruction, training, and exercise, according to the provisions of this Act, notice of his being required so to attend or join having been given in such manner as may be provided by any regulations made under this Act, and any volunteer who having so attended or joined afterwards deserts or absents himself during the time of such instruction, training, and exercise, shall be subject to a penalty not exceeding twenty pounds. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 20.)

Persons not attending when called into actual service may be apprehended and punished as deserters from the navy.

290 *u*. If any such volunteer (being in the United Kingdom, and not labouring under any infirmity incapacitating him) required to serve in the navy under this Act shall not at or within such time as may be appointed by any order of the Lord High Admiral, or Commissioners for executing the office of Lord High Admiral made under this Act, appear for the purpose of entering into actual service, or join any of Her Majesty's ships or vessels which he may be required to join for that purpose, every such person so offending shall be liable to be apprehended and punished in the same manner as any person belonging to Her Majesty's navy deserting or improperly absenting himself from duty. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 21.)

Penalty for inducing volunteers to absent themselves, or harbouring or employing volunteers absenting themselves.

290 *v*. Every person who by words or other means shall persuade any volunteer under this Act to desert from the Royal Naval Volunteers, or to be improperly absent from his duty, shall forfeit and pay any sum not exceeding twenty pounds for every such act, and every person who shall assist or procure any such volunteer to desert, or to be improperly absent as aforesaid, or shall conceal or employ or continue to conceal or employ any such volunteer, knowing him to be such a deserter or so improperly absent, shall for every such offence forfeit and pay any sum not exceeding thirty pounds. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 22.)

Recovery of penalties.

290 *w*. No man by reason of his entering or serving as a volunteer under this Act shall lose or forfeit, or be deemed to

Royal Naval Reserve

have lost or forfeited, any interest he may possess, or may have possessed at the time of his being so entered or serving, in any friendly or benefit society, any laws, rules, or regulations of such society to the contrary notwithstanding; and in case any dispute shall arise between any such society and any such man by reason of such entry or service, it shall be considered as being a dispute directed by the rules of such society to be decided by justices of the peace, pursuant to the provisions of the Acts in force relating to friendly societies. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 23.)

Summary jurisdiction.

290 *x*. All offences for which any pecuniary penalty or forfeiture is by this Act imposed shall and may be heard and determined by any justice of the peace in or near to the place where the offence shall be committed, or where the offender may at any time happen to be, and all such penalties and forfeitures, and any forfeiture of treble value, and also the reasonable costs attending the prosecution, to be duly ascertained and awarded by such justice, shall and may be enforced and recovered in the same manner as any pecuniary penalties may be recovered in England or Wales, under the provisions of an Act passed in the twelfth year of Her Majesty's reign, intituled "An Act to facilitate the performance of duties of "justices of the peace out of sessions within England and "Wales, with respect to summary convictions and orders:" Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture can be levied, the offender may be committed and imprisoned, with or without hard labour, for any time not exceeding six months, which said Act shall be used and applied in Scotland and in Ireland for the recovery of all such pecuniary penalties and forfeitures, and forfeitures of treble value, as fully to all intents as if such Act had extended to Scotland and Ireland, anything in the said Act, or in an Act passed in a session holden in the fourteenth and fifteenth years of Her Majesty's reign, intituled "An Act to consolidate and amend the Acts regu-"lating the proceedings of petty sessions, and the duties of "justices of the peace out of quarter sessions, in Ireland," or in any other Act to the contrary notwithstanding. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c 40. s. 24)

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

Appropriation of penalties.

290 *y*. One moiety of every such penalty or forfeiture not including the treble value of any articles shall go to the person who shall inform or sue for the same, and the other moiety, together with the treble value of any articles, or where the offence shall be proved by the person who shall inform, then the whole of the penalty and such treble value shall be paid over and applied in such manner as the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, shall direct, anything in an Act passed in the sixth

year of the reign of King William the Fourth, intituled "An "Act to provide for the regulation of municipal corporations "in England and Wales," or in any other Act of Parliament, to the contrary notwithstanding; and every justice who shall adjudge any penalty under this Act shall within four days thereafter at the farthest report the same and his adjudication thereof to the secretary of the Admiralty. (Reserve Volunteer Force of Seamen Act, 22 & 23 Vict. c. 40. s. 25.)

Royal Naval Reserve.

5 & 6 W. 4. c. 76.

290 *z.* It shall be lawful for Her Majesty to accept from time to time the offers of any persons who have been, are, or shall be masters, mates, or engineers of ships in the merchant service aforesaid, or of other British ships not belonging to Her Majesty, or of any persons who have been commissioned officers, masters, or engineers in the Indian naval force of Her Majesty or in the naval force of the East India Company, to serve as officers of Reserve to the Royal Navy, upon such terms and conditions as to Her Majesty may from time to time seem fit. (Officers of Royal Naval Reserve Act, 1863, 26 & 27 Vict. c. 69. s. 1.)

Power to Her Majesty to accept services of masters, &c. of merchant service.

290 *aa.* The Lord High Admiral, or the Commissioners for executing his office, herein-after called the Admiralty, may enrol as officers of Reserve to the Royal Navy so many of such persons as aforesaid as the Admiralty may from time to time deem expedient, under and subject to such rules, orders, and regulations as the Admiralty may, with the consent of Her Majesty in Council, from time to time establish; and such persons so enrolled shall bear such rank in respect to the officers of the Royal Navy as the Admiralty may from time to time direct, and shall, when called out for training or exercise, or on actual service, be subject to all the laws, regulations, and customs for the time being in force for the government and discipline of the Royal Navy. (Officers of Royal Naval Reserve Act, 1863, 26 & 27 Vict. c. 69. s. 2.)

Power to Admiralty to enrol officers of Reserve to the Royal navy.

290 *bb.* Such persons so enrolled as officers of Reserve shall be entitled to receive such pay and allowances as the Admiralty, with the consent of Her Majesty in Council, may from time to time appoint; and if any such person is disabled or receives any hurt or wound in actual service he shall be entitled to the same allowance or pension in respect thereof as an officer of the Royal Navy of corresponding rank would be entitled to under similar circumstances; and if any such person is killed in action, or dies from any wound or accident resulting from the performance of his duty, his widow (if any) shall be entitled to the same pension as the widow of an officer of the Royal Navy of corresponding rank would be entitled to under similar circumstances. (Officers of Royal Naval Reserve Act, 1863, 26 & 27 Vict. c. 69. s. 3.)

As to pay, allowances, and pensions of officers of Reserve and pensions of widows of such officers.

Royal Naval Reserve.

As to continuance of officers already enrolled.

290 *cc.* It shall be lawful for Her Majesty to continue the services of all persons who have been enrolled as officers of Reserve to the Royal Navy before the passing of this Act, and the services of all such persons shall be deemed to be continued by Her Majesty as if this Act had not been passed, unless and until Her Majesty thinks fit to discontinue the same. (Officers of Royal Naval Reserve Act, 1863, 26 & 27 Vict. c. 69 s. 4)

Provision as to existing and future regulations.

290 *dd.* All rules, orders, and regulations relating to persons enrolled as officers of Reserve to the Royal Navy made before the passing of this Act by the Admiralty, with the consent of Her Majesty in Council, shall, with respect to all persons enrolled before the passing of this Act, continue in force as if this Act had not been passed, and shall also extend and apply, as far as may be, mutatis mutandis, to all persons so enrolled after the passing of this Act, but so that any rules, orders, and regulations made as aforesaid from time to time under this Act may repeal or alter all or any part of any rules, orders, and regulations made before the passing of this Act, and shall, unless otherwise expressed, extend and apply as well to persons so enrolled before the passing of this Act as to persons so enrolled after the passing of this Act (Officers of Royal Naval Reserve Act, 1863, 26 & 27 Vict. c. 69. s. 5.)

Her Majesty may accept offers of persons recommended by the Admiralty to serve as officers of the Royal Naval Reserve.

290 *ee* It shall be lawful for Her Majesty to accept from time to time the offers of any person whom the Lord High Admiral or the Commissioners for executing his office may recommend, to serve as officers of Reserve in the Royal Navy, upon such terms and conditions as to Her Majesty may from time to time seem fit, and the "Officers of the Royal Naval Reserve Act, 1863," shall be read and construed as if this clause formed part of the said Act. (Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 17.)

PART IV.

SAFETY AND PREVENTION OF ACCIDENTS.

Application.

Application.

Application of Part IV. of Act.

291. The fourth part of this Act shall apply to all British ships; and all foreign steam ships carrying passengers between places in the United Kingdom shall be subject to all the provisions contained in the fourth part of this Act, and likewise to the same provisions with respect to the certificates of the masters and mates thereof to which British steam ships are subject.

Foreign ships in British jurisdiction to be subject to regulations in Table (C.) in Schedule.

291*a*. Whenever foreign ships are within British jurisdiction, the regulations for preventing collision contained in Table (C.)* in the schedule to this Act, or such other regulations for preventing collision as are for the time being in force under this Act, and all provisions of this Act relating to such regulations, or otherwise relating to collisions, shall apply to such foreign ships; and in any cases arising in any British court of justice concerning matters happening within British jurisdiction, foreign ships shall, so far as regards such regulations and provisions, be treated as if they were British ships. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 57.)

Regulations, when adopted by a foreign country, may be applied to its ships on the high seas.

291*b*. Whenever it is made to appear to Her Majesty that the government of any foreign country is willing that the regulations for preventing collision contained in Table (C.)* in the schedule to this Act, or such other regulations for preventing collision as are for the time being in force under this Act, or any of the said regulations, or any provisions of this Act relating to collisions, should apply to the ships of such country when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that such regulations, and all provisions of this Act which relate to such regulations, and all such other provisions as aforesaid, shall apply to the ships of the said foreign country, whether within British jurisdiction

a See 299 *a*.

Application. or not. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c 63. s. 58.)*

Unseaworthiness.

Unseaworthiness.

Survey of ships suspected of being unseaworthy.

291c. Where the Board of Trade have received a complaint or have reason to believe that any British ship is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, they may, if they think fit, appoint some competent person or persons to survey such ship, and the equipments, machinery, and cargo thereof, and to report thereon to the Board.

Any person so appointed may, for the purposes of such survey, require the unloading or removal of any cargo, ballast, or tackle, and shall have all the powers of an inspector appointed under the Merchant Shipping Act, 1854.

Any person who (having notice of the intention to hold such survey) wilfully does or causes to be done any act by which the person appointed to make such survey is prevented from or obstructed in ascertaining the condition of the ship, her equipments, machinery, and cargo, shall be liable to a penalty not exceeding fifty pounds.

The Board of Trade may, if they think fit, order that any ship be detained for the purpose of being surveyed under this section, and thereupon any officer of customs may detain such ship until her release be ordered either by the Board of Trade or by any court to which an appeal is given under this Act.

Upon the receipt of the report of the person making any such survey, the Board may, if in their opinion the ship cannot

* The following foreign countries have adopted these regulations :—

Country or Place.	Date of Gazette containing Order in Council.	Country or Place.	Date of Gazette containing Order in Council.
Austria	1 May 1863	Morocco	28 July 1863.
Argentine Republic	15 Sept 1863.	Netherlands	15 Sept. 1863.
Belgium	1 May 1863.	Norway	15 Sept. 1863.
Brazil	28 July 1863	Oldenburg	1 May 1863.
Bremen	28 July 1863.	Peru	28 July 1863.
Chile	20 Nov 1863	Portugal	1 May 1863.
Denmark Proper	5 Feb. 1864	Prussia	1 May 1863.
Equator (Republic of the)	28 July 1863.	Roman States	20 Nov. 1863.
		Russia	28 July 1863.
France	13 Jan. 1863.	Schleswig	5 Feb 1864
Great Britain	13 Jan 1833.	Spain	28 July 1863.
Greece	6 Feb 1866.	Sweden	28 July 1863
Hamburg	28 July 1863	Turkey	20 Nov. 1863
Hanover	1 May 1863.	United States, Sea-going Ships	30 Aug. 1864
Hawaiian Islands	30 June 1865.		
Hayti	1 May 1863	United States, Inland Waters	2 Dec. 1864.
Italy	1 May 1863		
Lubeck	28 July 1863.	Uruguay	28 July 1863.
Mecklenburg-Schwerin	1 May 1863.		

proceed to sea without serious danger to human life, make such further order as they may think requisite as to the detention of the ship or as to her release, either absolutely or upon the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Board may impose. They may also from time to time vary or add to such order. *Unseaworthiness.*

A copy of any such order and of the report upon which it was founded, and also of any variation of or addition to such order, shall be delivered as soon as possible to the owner or master of the ship to which it relates.

When a ship has been detained under this section she shall not be released by reason of her British register having been closed. (Merchant Shipping Act, 1872, 36 & 37 Vict. c 85. s. 12)

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291*d*. If upon the survey of a ship under this Act she is reported to have been at the time of the survey, having regard to the nature of the service for which she was then intended, unfit to proceed to sea without serious danger to human life, the expenses incurred by the Board of Trade in respect of the survey shall be paid by the owner of the ship to the Board of Trade, and shall, without prejudice to any other remedy, be recoverable by them in the same manner as salvage is recoverable. **Costs of survey.**

If upon such survey the ship is not reported to have been unfit to proceed to sea, having regard to the nature of the service for which she was intended, the Board of Trade shall be liable to pay compensation to any person for any loss or damage which he may have sustained by reason of the detention of the ship for the purpose of survey, or otherwise in respect of such survey.

Where a complaint has been made to the Board of Trade that a ship is not fit to proceed to sea, they may, if they think fit, before ordering a survey of the ship, require the complainant to give or provide such security as they may think sufficient for the payment of the costs and expenses which they may incur in respect of the survey of the ship and of the compensation which they may be rendered liable to pay for loss or damage caused by her detention for the purpose of such survey, or otherwise in respect of such survey.

Where a ship has been surveyed under this Act in consequence of a complaint made to the Board of Trade, if upon such survey being made it appear that such complaint was made without reasonable cause, the expenses incurred by the Board in respect of the survey of the ship and the amount, if any, which the Board may have been rendered liable to pay in respect of any loss or damage caused by her detention shall be recoverable by the Board from such complainant.

Unseaworthiness.

All moneys payable by the Board of Trade in respect or by reason of the survey or detention of a ship under this Act shall, subject to the right by this section provided of recovering such moneys from the complainant, be paid out of moneys to be provided by Parliament (Merchant Shipping Act, 1872, 36 & 37 Vict. c. 85. s. 13)

Appeal from decision of Board of Trade

291*e* If the owner of any ship surveyed under this Act is dissatisfied with any order of the Board of Trade made upon such survey, he may apply to any of the following courts having jurisdiction in the place where such ship was surveyed, that is to say:—

In England, to any court having Admiralty jurisdiction:

In Ireland, to any court having jurisdiction under the Court of Admiralty (Ireland) Act, 1867:

In Scotland, to the court of the sheriff of the county.

The court may, upon such application, if they think fit, appoint one or more competent persons to survey the ship anew, and any surveyor so appointed shall have all the powers of the person by whom the original survey was made. Such survey anew shall, if so required by the Board of Trade or the shipowner, be made in the presence of any person or persons appointed by them respectively to attend at the survey.

The court to which such application is made may make such order as to the detention or release of the ship, as to the payment of any costs and damages which may have been occasioned by her detention, as to the payment of the expenses of the original survey, and of the survey anew, and otherwise as to the payment of any costs of and incident to the application, as to the court may seem just

Where an application is made under this section to a county court, or in Ireland to a local court, the matter of the application shall be deemed to be an Admiralty cause within the meaning of the County Courts Admiralty Jurisdiction Act, 1868, and the Court of Admiralty (Ireland) Act, 1867 (Merchant Shipping Act, 1872, 36 & 37 Vict. c. 85. s. 14.)

Sending unseaworthy ship to sea, a misdemeanor

291*f*. Every person who, having authority as owner or otherwise to send a ship to sea, sends her to sea in an unseaworthy state so as to endanger the life of any person belonging to or on board the same, shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to make and keep the ship seaworthy, and was ignorant of such unseaworthiness, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and unavoidable, and for this purpose he may give evidence in the same manner as any other witness. A misdemeanor under this section shall not be punishable on summary conviction. (Merchant Shipping Act, 1871, 34 & 35 Vict. c. 110. s 11)

Unseaworthiness.

Cables and anchors of alleged unseaworthy ships to be tested.

291*g*. Whenever any ship is surveyed or detained by the Board of Trade under the Merchant Shipping Act, 1873, on the ground of alleged unseaworthiness, the Board may direct an inquiry into the condition of the cables and anchors, and if they have not been tested according to the Chain Cables and Anchors Acts, 1864 to 1874, may make such further order as they think requisite previous to her release. (Chain Cables and Anchors Act, 1874, 37 & 38 Vict. c. 51. s. 5.)

Ship's draught of water to be recorded.

291*h*. The Board of Trade may, in any case or class of cases in which they think it expedient so to do, direct any person appointed by them for the purpose to record, in such manner and with such particulars as the Board of Trade direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and on her stern post, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea; and such person shall thereupon keep such record, and shall from time to time forward the same, or a copy thereof, to the Board of Trade; and such record, or any copy thereof, if produced by or out of the custody of the Board of Trade, shall be admissible in evidence of the draught of water of the ship at the time specified in the record.

The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water in the official log book (if any), and shall produce such record to any principal officer of customs whenever required by him so to do, or in default of such production shall incur a penalty not exceeding twenty pounds. (Merchant Shipping Act, 1871, 34 & 35 Vict. c. 110. s. 5.)

Particulars to be entered in record of draught of water.

291*i*. The record of the draught of water of any sea-going ship required under section five of the Merchant Shipping Act, 1871, shall, in addition to the particulars thereby required, specify the extent of her clear side in feet and inches.

The term "clear side" means the height from the water to the upper side of the plank of the deck from which the depth of hold as stated in the register is measured, and the measurement of the clear side is to be taken at the lowest part of the side.

Every master of a sea-going ship shall, upon the request of any person appointed to record the ship's draught of water, permit such person to enter the ship and to make such inspections and take such measurements as may be requisite for the purpose of such record, and any master who fails so to do, or impedes or suffers anyone under his control to impede any person so appointed in the execution of his duty, shall for each offence incur a penalty not exceeding five pounds. Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 4)

Boats for Sea-going Ships.

Rules as to boats and life buoys.

Boats for sea-going Ships.

292. The following rules shall be observed with respect to boats and life buoys; (that is to say,)

(1.) No decked ship (except ships used solely as steam tugs and ships engaged in the whale fishery) shall proceed to sea from any place in the United Kingdom, unless she is provided according to her tonnage, with boats duly supplied with all requisites for use, and not being fewer in number nor less in their cubic contents than the boats the number and cubic contents of which are specified in the table marked S. in the schedule hereto for the class to which such ship belongs:

(2.) No ship carrying more than ten passengers shall proceed to sea from any place in the United Kingdom, unless, in addition to the boats herein-before required, she is also provided with a life boat furnished with all requisites for use, or unless one of her boats herein-before required is rendered buoyant after the manner of a life boat:

(3.) No such ship as last aforesaid shall proceed to sea unless she is also provided with two life buoys:

And such boats and life buoys shall be kept so as to be at all times fit and ready for use: Provided, that the enactments with respect to boats and life buoys herein contained shall not apply in any case in which a certificate has been duly obtained under the tenth section of the "Passengers Act, 1852."

15 & 16 Vict. c. 44. s. 10.

TABLE S.

Number and Dimensions of Boats with which Sea-going Ships are to be provided.

Registered Tonnage.		Column 1. To be carried by Sailing Ships and Steam Ships.								Column 2. To be carried by Sailing Ships and by Steam Ships when they do not carry the Boats in Col. 3.				Column 3. To be carried by Steam Ships which do not carry the Boat in Col. 2.								Total Number of Boats.		
		Boats.				Boats.				Launches.				Boats.				Life Boats.						
Sailing Ships.	Steam Ships.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Sailing Ships.	Steam Ships.	
Tons.	Tons.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.			
—	1,000 and upwards -	1	18	5 6	2 3	2	24	5 6	2 6	1	27	8 6	3 8	2	22	5 6	2 6	2	28	8 6	3 6	–	7	as the case may be.
—	800 to 1,000	1	18	5 6	2 3	2	26	6 6	2 8	1	26	8 0	3 8	2	22	5 6	2 6	–	–	–	–	–	4 or 5	
800 and upwards -	500 to 800	1	18	5 6	2 3	2	24	5 6	2 6	1	26	8 0	3 8	2	22	5 6	2 6	–	–	–	–	4	4 or 5	
600 to 800	360 to 500	1	16	5 6	2 3	2	24	5 6	2 6	1	25	7 0	3 6	2	22	5 6	2 6	–	–	–	–	4	4 or 5	
400 to 600	240 to 360	1	16	5 6	2 3	1	22	5 6	2 5	1	22	6 6	3 3	2	22	5 6	2 6	–	–	–	–	3	3 or 4	
200 to 400	120 to 240	1	14	5 0	2 2	–	–	–	–	1	20	6 0	3 0	2	22	5 6	2 6	–	–	–	–	2	2 or 3	
100 to 200	60 to 120	1	14	5 0	2 2	–	–	–	–	1	16	5 6	2 9	2	18	5 6	2 4	–	–	–	–	2	2 or 3	
Under 100	Under 60	1	14	5 0	2 2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	

Note.—In sailing ships carrying the number of boats above specified, and steam ships carrying the larger of the two numbers above specified, the boats are to be considered sufficient, if their aggregate cubic contents are equal to the aggregate cubic contents of the boats specified.

In steam ships carrying the smaller of the two numbers above specified, one of the boats must be a launch of the capacity specified in Col. 2.

In sailing ships of 200 tons burden and under, not carrying passengers, a dingy may be substituted for the boat in Col. 1.

In sailing ships of 150 tons burden and under, not carrying passengers, a substantial boat of capacity sufficient to carry the crew may be substituted for those above specified.

In all steam ships, two paddlebox boats may be substituted for any two of the boats in Col. 3.

Boats for Sea-going Ships.

Penalties on masters and owners, &c. neglecting to provide boats and life buoys.

293. In any of the following cases; (that is to say,)

(1.) If any ship herein-before required to be provided with boats or life buoys proceeds to sea without being so provided therewith, or if any of such boats or life buoys are lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or master; or,

(2.) If, in case of any of such boats or life buoys being accidentally lost or injured in the course of the voyage, the master wilfully neglects to replace or repair the same on the first opportunity; or,

(3.) If such boats and life buoys are not kept so as to be at all times fit and ready for use;

Then if the owner appears to be in fault he shall incur a penalty not exceeding one hundred pounds, and if the master appears to be in fault he shall incur a penalty not exceeding fifty pounds.

Officers of customs not to clear ships not complying with the above provisions.

294. No officer of customs shall grant a clearance or transire for any ship herein-before required to be provided with boats or with life buoys unless the same is duly so provided; and if any such ship attempts to go to sea without such clearance or transire any such officer may detain her until she is so provided.

Power for Board of Trade to vary requirements as to boats.

294*a*. In the case of any ship surveyed under the fourth part of the Merchant Shipping Act, 1854, the Board of Trade may at the request of the owner authorise the reduction of the number and the variation of the dimensions of the boats required for the ship by section two hundred and ninety-two of that Act, and also the substitution of rafts or other appliances for saving life for any such boats, so nevertheless that the boats so reduced or varied and the rafts or other appliances so substituted be sufficient for the persons carried on board the ship.

Section two hundred and ninety-three of the said Act shall extend to any such rafts or appliances in the same manner as if they were boats. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 15.)

Chain Cables and Anchors.

Power to corporations, &c. to provide proving establishments for testing chain cables, &c.

Chain Cables and Anchors.

294*b*. *Any corporation, public body, or company may erect and maintain proving establishments, apparatus, and machinery suitable for the testing of chain cables or anchors, and may, notwithstanding the provisions of any previous Act limiting the amount of money to be raised by such corporation or public body, or company, raise money for that purpose by way of loan, secured by mortgage of such establishments, apparatus, and machinery, and of the income to be derived*

therefrom, or of other property of such corporation, public body, or company: Provided always as follows:—

Chain Cables and Anchors.

(1.) *Nothing in this Act shall relieve any corporation or public body from the necessity of obtaining for any borrowing by them under this Act the consent of any authority or person whose consent is by law requisite to any borrowing by them otherwise than under this Act.*

(2.) *Where the consent of any authority or person is not by law requisite to any borrowing by any corporation or public body otherwise than under this Act, the consent of the Commissioners of Her Majesty's Treasury to any borrowing by that corporation or public body under this Act is hereby made requisite.*

(3.) *Nothing in this Act shall empower any company to borrow money under this Act otherwise than in such manner and subject to such restrictions as are prescribed in relation to any borrowing by them for purposes other than the purposes of this Act, and if none are prescribed, then in such manner and under such restrictions as may be prescribed by resolution of the company adopted by three fifths at least of the votes of the shareholders of the company present (personally or by proxy) at a general meeting of the company specially convened for the purpose.*

(4.) *Any mortgage or charge created or to be created under any power existing at the passing of this Act on any property of any such corporation, public body, or company, other than such establishments, apparatus, and machinery as aforesaid, shall have priority over any mortgage created under the powers of this Act on the same property.* (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 1.) [Repealed by Chain Cables and Anchors Act, 1871, 34 & 35 Vict. c. 101., as far as it relates to any corporation or public body not mentioned in the first schedule.]

Power to the Board of Trade to licenses for proving chain cables and anchors, and may suspend or revoke licenses

294c. *The Lords of the Committee of Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, hereafter in this Act called the Board of Trade, may from time to time grant to any corporation, public body, or company, person or persons erecting any proving establishment, apparatus, and machinery suitable for the testing of chain cables or anchors license to test chain cables and anchors under this Act, and the Board may suspend or revoke any license so granted, if the Board shall see occasion; and the expression "tester" in this Act applies to every corporation, public body, or company, person or persons to whom such license shall be granted, so long as*

Chain Cables and Anchors.

such license continues in force: Provided, that such a license shall not be granted in any case unless and until the proving establishment, apparatus, and machinery erected have been inspected by an inspector appointed as by this Act provided, and have been certified by him as proper and efficient for their purposes. (Chain Cables and Anchors Act, 1864, 27 & 28 Vict c. 27. s. 2.) [Repealed by Chain Cables and Anchors Act, 1871, 34 & 35 Vict. c. 101, as far as it relates to any corporation or public body not mentioned in the first schedule.]

Limitation of corporations entitled to test cables and anchors

294*d* After the commencement of this Act the Board of Trade shall not grant originally or by way of renewal to any corporation, public body, company, person or persons, except the corporations and public bodies mentioned in the first schedule to this Act, or authorised in that behalf as hereinafter mentioned, any license under the principal Act for the testing of chain cables and anchors.

It shall be lawful for Her Majesty, by Order in Council, from time to time to direct that licenses may be granted to any public body or corporation other than those mentioned in the said first schedule, and also that licenses may be granted to the public bodies and corporations named in the said schedule in respect of machines other than those specified therein, and also to revoke or alter any order previously made; and so long as any such order remains in force licenses may be granted accordingly. (Chain Cables and Anchors Act, 1871, 34 & 35 Vict. c. 101. s. 3.)

FIRST SCHEDULE.

CORPORATIONS and PUBLIC BODIES to whom LICENSES to test CHAIN CABLES and ANCHORS may be granted.

The committee of Lloyd's Register of British and Foreign Shipping for machines at London, Bristol, Tipton, Netherton, Saltney, Monkwearmouth, Sunderland, and Low Walker, or elsewhere.

The committee of the Liverpool Underwriters Association for machines at Liverpool.

The Mersey Docks and Harbour Board for machines at Liverpool and Birkenhead, or at any other place on the Mersey.

The Tyne Improvement Commissioners for machines at Low Walker, or any other place on the Tyne.

The River Wear Commissioners for machines at Sunderland and Monkwearmouth.

The Clyde Navigation Trust for machines at Glasgow, or at any other place on the Clyde within the jurisdiction of the Trust; the Municipal Corporation of Glasgow for machines at Glasgow.

The mayor, aldermen, and burgesses of Bristol for machines at Bristol.

The undertakers under the Bute Docks Act, 1865, and the Bute Docks Act, 1866, for machines at Cardiff.

The trustees of the port and harbour of Greenock for machines at Greenock.

The mayor, aldermen, and burgesses of Kingston-upon-Hull for machines at Hull.

The Tees Conservancy Commissioners for machines at Stockton and Middlesbrough, or elsewhere upon the Tees.

The trustees of Swansea Harbour for machines at Swansea.

294*e*. Each of the public bodies and corporations mentioned in the first schedule to this Act, before constructing or establishing any new testing machine at any place where a testing machine is in operation under a license from the Board of Trade shall, if required by the owners of such last-mentioned testing machine, purchase the same from them, and if any difference arises as to the price it shall be determined by a valuer to be appointed by the Board of Trade. (Chain Cables and Anchors Act, 1871, 34 & 35 Vict. c. 101. s. 8.)

Public bodies to purchase licensed testing machines.

294*f*. The establishment, purchase, or construction of a testing machine by any of the corporations, bodies, or persons authorised to receive a license under this Act shall be a shipping purpose for which the Public Works Loan Commissioners may advance money under the authority and subject to the regulations of the Harbours and Passing Tolls Act, 1861. (Chain Cables and Anchors Act, 1871, 34 and 35 Vict. c. 101. s. 4.)

Advances by Public Works Loans Commissioners.

294*g*. The Board of Trade shall, as soon after the passing of this Act as the services of an inspector for the purposes of this Act appear to them to be required, and afterwards from time to time as vacancies occur, appoint a fit person to act as inspector of proving establishments, apparatus, and machinery under this Act, and may from time to time, at pleasure, remove from his office any person so appointed; and such inspector shall, in the execution of his duties, conform to any regulations from time to time made by the Board of Trade. (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 3.)

Board of Trade to appoint inspectors from time to time.

294*h*. Any license granted as aforesaid shall be renewable annually, and the same shall not in any case be renewed in any year unless and until the proving establishment, apparatus, and machinery in respect whereof such license was granted have been inspected by the inspector within that year, and have been certified by him as proper and efficient for their purposes. (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 4.)

Licenses to be renewed annually.

294*i*. On the original grant of every such license, and on every annual renewal of every such license, there shall be paid such fee not exceeding fifty pounds as the Board of Trade from time to time appoint;* *all such fees to be paid to the Board of Trade, and to be by them paid into the receipt of*

Fees payable on licenses.

* Words in italics repealed by Chain Cables and Anchors Act, 1874, 37 & 38 Vict. c. 51. s. 8.

Chain Cables and Anchors.

Her Majesty's Exchequer, and to be carried to and form part of the Consolidated Fund of the United Kingdom. (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 5.)

As to remuneration of inspector.

294*j*. The inspector shall receive such salary and allowances as may from time to time be directed by the Board of Trade, with the consent of the Commissioners of Her Majesty's Treasury,* *out of money to be provided by Parliament for the purpose.* (Chain Cables and Anchors Act. 1864. 27 & 28 Vict. c. 27. s. 6.)

Fees to be paid into and expenses out of Mercantile Marine Fund.

294*k*. All fees paid to the Board of Trade, and all fees and other sums received by the Trinity House as their licensee in pursuance of the Chain Cables and Anchors Acts, 1864 to 1874, shall be carried to the Mercantile Marine Fund; and all expenses of the Board of Trade and Trinity House incurred under the Chain Cables and Anchors Acts, 1864 to 1874, and the salary and allowances payable to an inspector, shall be paid out of the Mercantile Marine Fund. (Chain Cables and Anchors Act, 1874, 37 & 38 Vict. c. 51. s. 2.)

ester to test all cables and anchors in proper order, and impress the same with authorised proof mark.

294*l*. Every tester shall, with all reasonable despatch, subject every chain cable or anchor that shall be brought to the proving establishment of such tester for the purpose of being proved, and (unless the parties interested may otherwise agree) in the order in which such chain cables and anchors respectively shall be so brought, to the same tensile strain as that to which chain cables and anchors respectively of similar size, weight, or description are or shall be subjected before being received for the use of Her Majesty's naval service, and shall stamp every five fathoms in length of every such chain cable, and also every such anchor, with a stamp or die to be provided for that purpose by the tester, and approved by the Board of Trade, denoting that such chain cable or anchor has been "proved," and which shall bear the mark of the tester. (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 7.)

Mode of testing chain cables.

294*m*. Where any chain cable is brought to a tester for the purpose of being proved, he shall test every fifteen fathoms of it in the manner following; that is to say,

(1.) He shall select and cut out a piece of three links from every such fifteen fathoms, and shall test that piece by subjecting it to the appropriate breaking strain mentioned in the second schedule to this Act:

(2.) If the piece so selected fail to withstand such breaking strain he shall select and cut out another piece of three links from the same fifteen fathoms, and shall test such piece in like manner:

* Words in italics repealed by Chain Cables and Anchors Act, 1874, 37 & 38 Vict. c. 51. s. 8.

Chain Cables and Anchors.

(3.) If the first or second of such pieces of any fifteen fathoms of cable withstand the breaking strain, he shall then but not otherwise test the remaining portion of that fifteen fathoms of cable by subjecting the same to the tensile strain mentioned in the principal Act:

(4.) He shall not stamp a chain cable as proved which has not been subjected to the breaking and tensile strains in accordance with the provisions of this section, or has not withstood the same. (Chain Cables and Anchors Act, 1871, 34 & 35 Vict. c. 101. s. 5.)

SECOND SCHEDULE.

The appropriate breaking strain for chain cables shall be as follows:—

Where the tensile strain to which the cable is to be subjected is—	It shall be subjected to a breaking strain of—	Where the tensile strain to which the cable is to be subjected is—	It shall be subjected to a breaking strain of—
Tons.	Tons.	Tons.	Tons.
136⅛	190·5	28⅛	42
112½	157·5	23¾	35·5
101½	141·9	18	27
91⅛	127·5	13¾	20·5
81¼	113·7	10⅛	15
72	100·8	8½	12·75
63¼	88·5	7	10·5
55⅛	77	5½	8·25
47½	66·5	4½	6·75
40½	60·75	3½	5·25
34	51		

Alteration of tensile and breaking strain.

294*n*. *It shall be lawful for Her Majesty from time to time by Order in Council to alter the tensile strain or the breaking strain to which, under the principal Act and this Act, chain cables and anchors are to be subjected by the tester, and to revoke or alter any such Order previously made. Before any such alteration is made the Board of Trade shall give six months notice thereof by advertisement in the Gazette, or in such other way as they may think best for making the same known to the parties interested.* (Chain Cables and Anchors Act, 1871, 34 & 35 Vict. c. 101. s. 6.) [Repealed by Chain Cables and Anchors Act, 1874, 37 & 38 Vict. c. 51. s. 6.]

34 & 35 Vict. c. 101. s. 6. repealed. Test approved by Board of Trade to be substituted.

294*o*. Section six of the Act of the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter one hundred and one, shall be repealed, and in lieu thereof any test approved of by the Board of Trade as a test equal or superior to the tests required by the said Act may be substituted for such tests; provided that every chain is tested to a tensile and breaking strain not less than that known as the Admiralty test. (Chain Cables and Anchors Act, 1874, 37 & 38 Vict. c. 51. s. 6.)

Chain Cables and Anchors.

Superior tests may be substituted in certain cases.

294*p*. Any test approved by the Board of Trade as a test superior to the tensile and breaking test required by the said Act may, in any particular case or class of cases, be substituted for such test; and in such case or class of cases chains and anchors tested according to the test so approved shall be deemed to be tested according to the Chain Cables and Anchors Acts, 1864 to 1874, and the said test shall be noted on a certificate. (Chain Cables and Anchors Act, 1874, 37 & 38 Vict. c. 51. s. 7.)

As to charges for testing and affixing proof mark.

294*q* Every tester may make such charges for the testing and stamping with proof mark any chain cable or anchor as such tester may think fit, not exceeding the scale of charges authorised by the Board of Trade; and such tester shall affix upon some conspicuous part of the proving establishment a table of the charges so authorised to be taken by such tester; and such table shall be painted upon a board or boards in distinct black letters on a white ground or in white letters upon a black ground, or may be printed in legible characters on paper affixed to such board or boards; and it shall not be lawful for such tester to make any alteration in such table or in any of the charges therein specified until such alteration shall have been approved by the Board of Trade, and the tester shall have caused notice in writing of the intended alteration to be written or printed on paper, and such paper shall have been, for a period of not less than three months, affixed to such table, so that the same shall be clearly legible by all persons who may consult such table (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 8)

Power to tester to detain chain cable, &c.

294*r*. Any tester may detain any chain cable or anchor which shall have been so tested until such charge shall be paid; and if such charge shall not be paid within three months after the testing of such chain cable or anchor, the tester may cause such chain cable or anchor to be sold by auction, and shall out of the purchase money deduct the expenses of such sale, and all other expenses incurred by such tester with respect to such chain cable or anchor, including all lawful charges on the same, and shall pay the surplus thereof (if any), on demand, to the owner of such chain cable or anchor, or to the captain or master of the vessel, or other person on whose application the chain cable or anchor had been tested. (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 9.)

Tester, on application, to give certificate of test.

294*s* When any tester shall have tested and stamped any chain cable or anchor, such tester shall, if requested by the person on whose application the same was tested, within one month after such testing, make out and deliver, free of charge, to such person a certificate of such testing (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 10.)

Chain Cables and Anchors.

294*t*. If any person shall stamp or assist in stamping any chain cable or anchor with the stamp of any tester, or with a stamp or mark purporting to be the stamp of any tester, without the authority of the tester whose stamp shall have been so used or counterfeited, or with any other stamp or mark, for the purpose or with the intention of passing such chain cable or anchor, or of allowing or assisting in the same being passed as a chain cable or anchor duly tested and stamped under the powers of this Act, or if any person, knowing any such chain cable or anchor to have been so wrongfully marked or stamped as aforesaid, shall sell the same, or shall deliver the same to any person to be taken or used as part of the equipment of any vessel, or if any person shall write out and deliver to any person any certificate or document purporting to be a certificate under this Act, that any chain cable or anchor has been tested and stamped under the provisions of this Act, knowing that the chain cable or anchor referred to in such certificate or document had not been so tested or stamped, every person so offending shall be guilty of a misdemeanor, or in Scotland of an offence, and for every such misdemeanor or offence shall be liable, in the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement. (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 12.)

Persons committing certain offences deemed guilty of a misdemeanor.

294*u*. If any person uses or suffers to be used as a duly licensed testing machine any testing machine for which no license is for the time being in force, or if any person writes out, signs, or delivers or sends to any person any document purporting to be a certificate that any chain cable or anchor has been tested or stamped under the provisions of this Act, when such chain cable or anchor has not been so tested or stamped, every such person shall incur a penalty not exceeding one hundred pounds. (Chain Cables and Anchors Act, 1871, 34 & 35 Vict. c. 101. s. 10.)

Penalty for using unlicensed testing machines.

294*v*. No maker of, or dealer in, chain cables or anchors, shipowner, or other person, shall by reason of this Act, or of anything done thereunder, be relieved from any responsibility in respect of any chain cable or anchor made, sold, or used by him to which, but for this Act, he would have been subject. (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 13.)

Act not to relieve makers from responsibility.

294*w*. After the commencement of this Act a maker of or dealer in chain cables or anchors shall not sell, consign, or contract to sell or consign, nor shall any person purchase or contract to purchase any chain cable whatever, or any anchor exceeding in weight one hundred and sixty-eight pounds, which has not been previously tested and duly stamped in accordance with the provisions of the principal Act and this

Sale of unproved chain cables and anchors prohibited.

Chain Cables and Anchors.

Act, unless the same is sold, contracted for, consigned, and purchased as and for old iron.

Every person who acts in contravention of this section shall be liable, on summary conviction before two justices of the peace, or in Scotland before any sheriff or sheriff substitute, to a penalty not exceeding fifty pounds.

Provided that chain cables and anchors tested and stamped before the first day of July one thousand eight hundred and seventy-two may, if accompanied by a certificate issued under section ten of the principal Act, continue to be sold until the first day of July one thousand eight hundred and seventy-four, although they may not have been subjected to the breaking strain required by this Act. (Chain Cables and Anchors Act, 1871, 34 & 35 Vict. c. 101. s. 7.)

No chain cable or anchor exceeding 168 lbs. weight to be sold without being tested.

294*x*. After the commencement of this Act a maker of or dealer in anchors and chain cables shall not sell or contract to sell, nor shall any person purchase or contract to purchase, for the use of any British ship, any chain cable or any anchor exceeding in weight one hundred and sixty-eight pounds which has not been previously tested and stamped in accordance with the Chain Cables and Anchors Acts, 1864 to 1874. Any person who acts in contravention of this section shall be deemed to be guilty of a misdemeanor. (Chain Cables and Anchors Act, 1874, 37 & 38 Vict. c. 51. s. 3.)

Contract for sale to imply a warranty.

294*y*. Every contract for the sale of a chain cable shall, in the absence of an express stipulation to the contrary (proof whereof shall lie on the seller), be deemed to imply a warranty that the cable has been before delivery tested and stamped in accordance with the Chain Cables and Anchors Acts, 1864 to 1874. In case of dispute the proof of such testing and stamping shall be on the seller. (Chain Cables and Anchors Act, 1874, 37 & 38 Vict. c. 51. s. 4.)

Act not to affect Admiralty contracts.

294*z*. Nothing in this Act shall affect any contracts which may be made by the Lords Commissioners of the Admiralty for the supply of any chain cables or anchors to any of Her Majesty's dockyards or for the use of any of Her Majesty's ships. (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 14.)

Cables and anchors of alleged unseaworthy ships to be tested.

294*aa* Whenever any ship is surveyed or detained by the Board of Trade under the Merchant Shipping Act, 1873, on the ground of alleged unseaworthiness, the Board may direct an inquiry into the condition of the cables and anchors, and if they have not been tested according to the Chain Cables and Anchors Acts, 1864 to 1874, may make such further order as they think requisite previous to her release. (Chain Cables and Anchors Act, 1874, 37 & 38 Vict. c. 51. s. 5.)

294*bb*. *This Act shall continue in force to the first day of July one thousand eight hundred and seventy-two, and no longer.* (Chain Cables and Anchors Act, 1864, 27 & 28 Vict. c. 27. s. 15.) [Repealed and Act made perpetual by Chain Cables and Anchors Act, 1871, 34 & 35 Vict. c. 101. ss. 9, 11.]

Chain Cables and Anchors.

Term of Act.

Lights and Fog Signals, and Meeting and Passing.

Rules as to Lights, Meeting, and Passing.

295. *The following rules shall be observed with regard to lights and fog signals; (that is to say,)*

Regulations as to lights and fog signals.

(1.) *The Admiralty shall from time to time make regulations requiring the exhibition of such lights, by such classes of ships, whether steam or sailing ships, within such places and under such circumstances as they think fit, and may from time to time revoke, alter, or vary the same:*

(2.) *The Admiralty may, if they think fit, make regulations requiring the use of such fog signals, by such classes of ships, whether steam or sailing ships, within such places and under such circumstances as they think fit, and may from time to time revoke, alter, or vary the same:*

(3.) *All regulations made in pursuance of this section shall be published in the London Gazette, and shall come into operation on a day to be named in the Gazette in which they are published, and the Admiralty shall cause all such regulations to be printed, and shall furnish a copy thereof to any owner or master of a ship who applies for the same, and production of the Gazette containing such regulations shall be sufficient evidence of the due making and purport thereof:*

(4.) *All owners and masters shall be bound to take notice of the same, and shall, so long as the same continue in force, exhibit such lights, and use such fog signals, at such times, within such places, in such manner, and under such circumstances as are enjoined by such regulations, and shall not exhibit any other lights or use any other fog signals, and in case of default the master, or the owner of the ship, if it appears that he was in fault, shall for each occasion upon which such regulations are infringed, incur a penalty not exceeding twenty pounds.* [Repealed by Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63.]

Rule as to ships meeting each other

296. *Whenever any ship, whether a steam or sailing ship, proceeding in one direction, meets another ship, whether a steam or sailing ship, proceeding in another direction, so that if both ships were to continue their respective courses they*

Rules as to Lights, Meeting, and Passing.

would pass so near as to involve any risk of a collision, the helms of both ships shall be put to port so as to pass on the port side of each other; and this rule shall be obeyed by all steam ships and by all sailing ships whether on the port or starboard tack, and whether close-hauled or not, unless the circumstances of the case are such as to render a departure from the rule necessary in order to avoid immediate danger, and subject also to the proviso that due regard shall be had to the dangers of navigation, and, as regards sailing ships on the starboard tack close-hauled, to the keeping such ships under command. [Repealed by Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63.]

Rule for steamers in narrow channels.

297. *Every steam ship, when navigating any narrow channel, shall, whenever it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such steam ship.* [Repealed by Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63.]

If collision ensues from breach of the above rules, owner not to be entitled to recover.

298. *If in any case of collision it appears to the court before which the case is tried that such collision was occasioned by the non-observance of any rule for the exhibition of lights or the use of fog signals issued in pursuance of the powers herein-before contained, or of the foregoing rule as to the passing of steam and sailing ships, or of the foregoing rule as to a steam ship keeping to that side of a narrow channel which lies on the starboard side, the owner of the ship by which such rule has been infringed shall not be entitled to recover any recompence whatever for any damage sustained by such ship in such collision, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the rule necessary.* [Repealed by Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63.]

Breaches of such rules to imply wilful default.

299. *In case any damage to person or property arises from the non-observance by any ship of any of the said rules, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such ship at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the rule necessary.* [Repealed by Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c 63.]

Enactment of regulations concerning lights, fog signals, and sailing rules in schedule, Table (C.)

299a. On and after the first day of June one thousand eight hundred and sixty-three, or such later day as may be fixed for the purpose by Order in Council, the regulations contained in the Table marked (C.) in the schedule hereto shall come into operation and be of the same force as if they were enacted in the body of this Act; but Her Majesty may from time to time, on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council, annul or modify

any of the said regulations, or make new regulations in addition thereto or in substitution therefor; and any alterations in or additions to such regulations made in manner aforesaid shall be of the same force as the regulations in the said schedule. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 25.)

Rules as to Lights, Meeting, and Passing.

TABLE (C.)

Regulations for preventing Collisions at Sea.

Contents.

Article 1. Preliminary.

Rules concerning Lights.

2. Lights to be carried as follows:—
3. Lights for steam ships.
4. Lights for steam tugs.
5. Lights for sailing ships.
6. Exceptional lights for small sailing vessels.
7. Lights for ships at anchor.
8. Lights for pilot vessels.
9. Lights for fishing vessels and boats.

Rules concerning Fog Signals.

10. Fog signals.

Steering and Sailing Rules.

11. Two sailing ships meeting.
12. Two sailing ships crossing.
13. Two ships under steam meeting.
14. Two ships under steam crossing.
15. Sailing ship and ship under steam.
16. Ships under steam to slacken speed.
17. Vessels overtaking other vessels.
18. Construction of Articles 12, 14, 15, and 17.
19. Proviso to save special cases.
20. No ship under any circumstances to neglect proper precautions.

Preliminary.

Art. 1. In the following rules every steam ship which is under sail and not under steam is to be considered a sailing ship; and every steam ship which is under steam, whether under sail or not, is to be considered a ship under steam.

Rules concerning Lights.

Art. 2. The lights mentioned in the following articles, and no others, shall be carried in all weathers between sunset and sunrise.

Art. 3. Seagoing steam ships when under weigh shall carry:

(*a.*) *At the foremast head*, a bright white light so fixed as to show an uniform and unbroken light over an arc of the horizon of 20 points

Rules as to Lights, Meeting, and Passing.

of the compass, so fixed as to throw the light 10 points on each side of the ship, viz., from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least five miles:

(*b.*) *On the starboard side,* a green light so constructed as to throw an uniform and unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles:

(*c.*) *On the port side,* a red light so constructed as to show an uniform unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles:

(*d.*) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

Art. 4. Steam ships when towing other ships shall carry two bright white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steam ships. Each of these mast-head lights shall be of the same construction and character as the mast-head lights which other steam ships are required to carry.

Art. 5. Sailing ships under weigh or being towed shall carry the same lights as steam ships under weigh, with the exception of the white mast-head lights, which they shall never carry.

Art. 6. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck on their respective sides of the vessel ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, they shall each be painted outside with the colour of the light they respectively contain, and shall be provided with suitable screens.

Art. 7. Ships, whether steam ships or sailing ships, when at anchor in roadsteads or fairways, shall between sunrise and sunset exhibit, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all round the horizon, and at a distance of at least one mile.

Art. 8. Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the mast head visible all round the horizon,—and shall also exhibit a flare-up light every fifteen minutes.

Art. 9. Open fishing boats and other open boats shall not be required to carry side lights required for other vessels; but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side; and on the approach of or to other vessels such lantern shall be exhibited in sufficient time

to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

Rules as to Lights, Meeting, and Passing.

Fishing vessels and open boats when at anchor or attached to their nets and stationary shall exhibit a bright white light.

Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition if considered expedient.

Rules concerning Fog Signals.

Art. 10. Whenever there is fog, whether by day or night, the fog signals described below shall be carried and used, and shall be sounded at least every five minutes; viz.—

(*a.*) Steam ships under weigh shall use a steam whistle placed before the funnel not less than eight feet from the deck.

(*b.*) Sailing ships under weigh shall use a fog horn.

(*c.*) Steam ships and sailing ships when not under weigh shall use a bell.

Steering and Sailing Rules.

Art. 11. If two sailing ships are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port so that each may pass on the port side of the other.

Art. 12. When two sailing ships are crossing so as to involve risk of collision, then if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side, except in the case in which the ship with the wind on the port side is close hauled and the other ship free, in which case the latter ship shall keep out of the way; but if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward.

Art. 13. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port so that each may pass on the port side of the other.

[The said two articles numbered 11 and 13 respectively only apply to cases where ships are meeting end on, or nearly end on, in such a manner as to involve risk of collision. They, consequently, do not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only cases in which the said two articles apply are when each of the two ships is end on, or nearly end on, to the other; in other words, to cases in which, by day, each ship sees the masts of the other in a line, or nearly in a line, with her own; and, by night, to cases in which each ship is in such a position as to see both the side lights of the other.

The said two articles do not apply by day, to cases in which a ship sees another a-head crossing her own course; or, by night, to cases where the red light of one ship is opposed to the red light of the other; or where the green light of one ship is opposed to the green light of the other; or where a red light without a green light, or a green light without a red light, is seen a-head; or where both green and red lights are seen anywhere but a-head.] (Addition by Order in Council, 30th July 1868.)

Rules as to Lights, Meeting, and Passing.

Art. 14. If two ships under steam are crossing so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

Art. 15. If two ships, one of which is a sailing ship and the other a steam ship, are proceeding in such directions as to involve risk of collision, the steam ship shall keep out of the way of the sailing ship.

Art. 16. Every steam ship, when approaching another ship so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam ship shall, when in a fog, go at a moderate speed.

Art. 17. Every vessel overtaking any other vessel shall keep out of the way of the said last-mentioned vessel.

Art. 18. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course, subject to the qualifications contained in the following article.

Art. 19. In obeying and construing these rules due regard must be had to all dangers of navigation; and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger.

Art. 20. Nothing in these rules shall exonerate any ship or the owner or master or crew thereof from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Regulations to be published.

299*b*. The Board of Trade shall cause the said regulations and any alterations therein or additions thereto hereafter to be made to be printed, and shall furnish a copy thereof to any owner or master of a ship who applies for the same; and production of the Gazette in which any Order in Council containing such regulations or any alterations therein or additions thereto is published, or of a copy of such regulations, alterations, or additions, signed or purporting to be signed by one of the secretaries or assistant secretaries of the Board of Trade, or sealed or purporting to be sealed with the seal of the Board of Trade, shall be sufficient evidence of the due making and purport of such regulations, alterations, or additions. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 26.)

Owners and masters bound to obey them.

299*c*. All owners and masters of ships shall be bound to take notice of all such regulations as aforesaid, and shall, so long as the same continue in force, be bound to obey them, and to carry and exhibit no other lights and to use no other fog signals than such as are required by the said regulations; and in case of wilful default, the master, or the owner of the ship if it appear that he was in such fault, shall, for each occasion upon which such regulations are infringed, be deemed to be guilty of a misdemeanor. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 27.)

Rules as to Lights, Meeting, and Passing.

Breaches of regulations to imply wilful default of person in charge.

299*d*. In case any damage to person or property arises from the non-observance by any ship of any regulation made by or in pursuance of this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such ship at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 28.)

Liability for infringement of regulations in cases of collision.

299*e*. If in any case of collision it is proved to the court before which the case is tried that any of the regulations for preventing collision contained in or made under the Merchant Shipping Acts, 1854 to 1873, has been infringed, the ship by which such regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the court that the circumstances of the case made departure from the regulation necessary. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 17.)

Inspection for enforcing regulations.

299*f*. The following steps may be taken in order to enforce compliance with the said regulations; that is to say,

(1.) The surveyors appointed under the third part of the principal Act, or such other persons as the Board of Trade may appoint for the purpose, may inspect any ships for the purpose of seeing that such ships are properly provided with lights and with the means of making fog signals in pursuance of the said regulations, and shall for that purpose have the powers given to inspectors by the 14th section of the principal Act:

(2.) If any such surveyor or person finds that any ship is not so provided, he shall give to the master or owner notice in writing, pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same:

(3.) Every notice so given shall be communicated in such manner as the Board of Trade may direct to the collector or collectors of customs at any port or ports from which such ship may seek to clear or at which her transire is to be obtained; and no collector to whom such communication is made shall clear such ship outwards or grant her a transire, or allow her to proceed to sea, without a certificate under the hand of one of the said surveyors or other persons appointed by the Board of Trade as aforesaid, to the effect that the said ship is properly provided with lights and with the means of making fog signals in pursuance of the said regulations. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 30.)

Rules as to Lights, Meeting, and Passing.

Rules for harbours under local Acts to continue in force.

299*g*. Any rules concerning the lights or signals to be carried by vessels navigating the waters of any harbour, river, or other inland navigation, or concerning the steps for avoiding collision to be taken by such vessels, which have been or are hereafter made by or under the authority of any Local Act, shall continue and be of full force and effect notwithstanding anything in this Act or in the Schedule thereto contained. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 31.)

In harbours and rivers where no such rules exist they may be made.

299*h*. In the case of any harbour, river, or other inland navigation for which such rules are not and cannot be made by or under the authority of any Local Act, it shall be lawful for Her Majesty in Council, upon application from the harbour trust or body corporate, if any, owning or exercising jurisdiction upon the waters of such harbour, river, or inland navigation, or, if there is no such harbour trust or body corporate, upon application from persons interested in the navigation of such waters, to make rules concerning the lights or signals to be carried, and concerning the steps for avoiding collision to be taken by vessels navigating such waters; and such rules, when so made, shall, so far as regards vessels navigating such waters, have the same effect as if they were regulations contained in Table (C.) in the Schedule to this Act, notwithstanding anything in this Act or in the Schedule thereto contained. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 32.)

Duties of masters in case of collision.

299*i*. In every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew, and passengers (if any), to stay by the other vessel until he has ascertained that she has no need of further assistance, and to render to the other vessel, her master, crew, and passengers (if any), such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision; and also to give to the master or person in charge of the other vessel the name of his own vessel, and of her port of registry, or of the port or place to which she belongs, and also the names of the ports and places from which and to which she is bound.

If he fails so to do, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

Every master or person in charge of a British vessel who fails, without reasonable cause, to render such assistance or give such information as aforesaid shall be deemed guilty of a misdemeanor, and if he is a certificated officer an inquiry into his conduct may be held and his certificate may be cancelled or suspended. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 16.)

Build and Equipment of Steam Ships.

Build and Equipment of Steam Ships

300. *The following rules shall be observed with respect to the build of iron steam ships; (that is to say,)*

Iron steamers to be divided by water-tight partitions.

(1.) *Every steam ship built of iron of one hundred tons or upwards, the building of which commenced after the twenty-eighth day of August one thousand eight hundred and forty-six, and every steam ship built of iron of less burden than one hundred tons the building of which commenced after the seventh day of August one thousand eight hundred and fifty-one, (except ships used solely as steam tugs,) shall be divided by substantial transverse water-tight partitions, so that the fore part of the ship shall be separated from the engine room by one of such partitions, and so that the after part of such ship shall be separated from the engine rooms by another of such partitions:*

(2.) *Every steam ship built of iron, the building of which commences after the passing of this Act, shall be divided by such partitions as aforesaid into not less than three equal parts, or as nearly so as circumstances permit:*

(3.) *In such last-mentioned ships each such partition as aforesaid shall be of equal strength with the side plates of the ship with which it is in contact:*

(4.) *Every screw steam ship built of iron, the building of which commences after the passing of this Act, shall, in addition to the above partitions, be fitted with a small water-tight compartment inclosing the after-extremity of the shaft:*

Officers of customs not to grant certificates except so divided.

And no officer of customs or other person shall grant a clearance or transire for any iron steam ship required to be divided or fitted as aforesaid, unless the same is so divided and fitted; and if any such ship attempts to ply or go to sea without such clearance or transire, any such officer may detain her until she is so divided and fitted; and if any steam ship herein-before required to be so divided or fitted plies or goes to sea without being so divided or fitted, the owner shall incur a penalty not exceeding one hundred pounds. [Repealed by Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63]

Equipment of steam ships.

301. Steam ships shall be provided as follows, (that is to say,)

Safety valve.

(1.) Every steam ship of which a survey is hereby required shall be provided with a safety valve upon each boiler, so constructed as to be out of the control of the engineer when the steam is up, and if such valve is in addition to the ordinary valve, it shall be so constructed as to have an area not less and a

Build and Equipment of Steam Ships.

pressure not greater than the area of and pressure on that valve:

Compasses to be adjusted.

(2.) Every sea-going steam ship employed to carry passengers shall have her compasses properly adjusted from time to time; such adjustment, in the case of ships surveyed as herein-after mentioned, to be made to the satisfaction of the shipwright surveyor, and according to such regulations as may be issued by the Board of Trade:

Fire hose.

(3.) Every sea-going steam ship (unless used solely as a steam tug) shall be provided with a hose adapted for the purpose of extinguishing fire in any part of the ship and capable of being connected with the engines of the ship:

Signals.

(4.) Every sea-going steam ship employed to carry passengers shall be provided with the following means of making signals of distress; (that is to say,) twelve blue lights or twelve port fires, and one cannon with ammunition for at least twelve charges, or in the discretion of the master or owner of such ship, with such other means of making signals (if any) as may have previously been approved by the Board of Trade:

Shelter for deck passengers.

(5.) Every home-trade steam ship employed to carry passengers by sea shall be provided with such shelter for the protection of deck passengers (if any) as the Board of Trade, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case may require:

And if any steam ship as aforesaid plies or goes to sea from any port in the United Kingdom without being so provided as herein-before required, then for each default in any of the above requisites the owner shall (if he appears to be in fault) incur a penalty not exceeding one hundred pounds, and the master shall (if he appears to be in fault) incur a penalty not exceeding fifty pounds.

Penalty for improper weight on safety valve.

302. If any person places an undue weight on the safety valve of any steam ship, or in the case of steam ships surveyed as herein-after mentioned, increases such weight beyond the limits fixed by such engineer surveyor as herein-after mentioned, he shall, in addition to any other liabilities he may incur by so doing, incur a penalty not exceeding one hundred pounds.

Survey of Passenger Steamers.

Definition of "Passengers" and "Passenger steamer."

303. For the purpose of the enactments herein contained with respect to surveys and certificates of passenger steamer ships, the word "passengers" shall be held to include any persons carried in a steam ship, other than the master and

crew and the owner, his family and servants; and the expression "passenger steamer" shall be held to include every British steam ship carrying passengers to, from, or between any place or places in the United Kingdom, excepting steam ferry boats working in chains, commonly called steam bridges.

Survey of Passenger Steamers.

304. *Every passenger steamer shall be surveyed twice at the least in each year in manner herein-after mentioned.* [Repealed by Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s 8]

Passenger steamers to be surveyed.

304*a* The 304th section of the Merchant Shipping Act, 1854, shall be repealed, and every passenger steamer shall be surveyed once at the least in every year in the manner mentioned in the fourth part of that Act. The fees to be charged for certificates issued in respect of such survey shall not exceed for a yearly certificate twice the sum named in the table marked T in the schedule to the said Act as chargeable for a six months certificate (Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 8.)

Passenger steamers to be surveyed once in every year.

305. The Board of Trade may from time to time appoint such number of fit and proper persons to be shipwright surveyors and engineer surveyors for the purposes of this Act at such ports or places as it thinks proper, and may also appoint a surveyor general for the United Kingdom, and may from time to time remove such surveyors, or any of them, and may from time to time fix and alter the rates of remuneration to be received by such surveyors.

Board of Trade to appoint surveyors, and fix their remuneration.

305*a*. There shall be paid in respect of the several measurements, inspections, and surveys mentioned in the third schedule hereto such fees, not exceeding those specified in that behalf in the said schedule, as the Board of Trade may from time to time determine. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 30)

Fees in respect of surveys, &c.

SCHEDULE III.

TABLE OF MAXIMUM FEES TO BE PAID FOR THE MEASUREMENT, SURVEY, AND INSPECTION OF MERCHANT SHIPS.

1. *For Measurement of Tonnage.*

		£	s.	d.
For a ship under 50 tons register tonnage	- -	1	0	0
" from 50 to 100 tons "	- -	1	10	0
" " 100 to 200 " "	- -	2	0	0
" " 200 to 500 " "	- -	3	0	0
" " 500 to 800 " "	- -	4	0	0
" " 800 to 1,200 " "	- -	5	0	0
" " 1,200 to 2,000 " "	- -	6	0	0
" " 2,000 to 3,000 " "	- -	7	0	0
" " 3,000 to 4,000 " "	- -	8	0	0
" " 4,000 to 5,000 " "	- -	9	0	0
" " 5,000 and upwards "	- -	10	0	0

Survey of Passenger Steamers.

2. *For the Inspection of the Berthing or Sleeping Accommodation of the Crew.*

	£	s.	d.
For each visit to the ship - - - -	0	10	0

Provided as follows:

1. The aggregate amount of the fees for any such inspection shall not exceed one pound (£1) whatever be the number of separate visits.
2. When the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for such inspection.

3. *For the Survey of Emigrant Ships.*

	£	s.	d.
a. For an ordinary survey of the ship, and of her equipments, accommodation, stores, light, ventilation, sanitary arrangements, and medical stores -	10	0	0
b. For a special survey - - - -	15	0	0
c. In respect of the medical examination of passengers and crew, for every hundred persons or fraction of a hundred persons examined - - -	1	0	0

4. *For the Inspection of Lights and Fog Signals.*

	£	s.	d.
For each visit made to a ship on the application of the owner, and for each visit made where the lights or fittings are found defective - - - -	0	10	0

Provided that the aggregate amount of fees for any such inspection shall not exceed one pound (£1) whatever be the number of separate visits.

Duties of surveyors.

305*b*. All duties in relation to the survey and measurement of ships under this Act or the Acts amended hereby shall be performed by the surveyors appointed under the fourth part of the Merchant Shipping Act, 1854, in accordance with such regulations as may be from time to time made by the Board of Trade. (Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 13.)

Surveyors to have power to inspect.

306. It shall be lawful for the said surveyors in the execution of their duties to go on board any steam ship at all reasonable times, and to inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificates of the master or mate to which the provisions of this Act or any of the regulations to be made by virtue thereof apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage and if in consequence of any accident to any such ship or for any other reason they consider it necessary so to do, to require the ship to be taken into dock for the purpose of surveying the hull thereof; and any person who hinders any such surveyor from going on board any such steam ship, or otherwise impedes him in the execution of his duty under this Act, shall incur a penalty not exceeding five pounds.

Survey of Passenger Steamers.

307. The said surveyors shall execute their duties under the direction of the Board of Trade, and such Board shall make regulations as to the manner in which the surveys herein-after mentioned shall be made, and as to the notice to be given to the surveyors when surveys are required, and as to the amount and payment of any travelling or other expenses incurred by such surveyors in the execution of their duties, and may thereby determine the persons by whom and the conditions under which such payment shall be made.

Board of Trade, to regulate mode of making surveys.

308. Every surveyor who demands or receives directly or indirectly from the owner or master of any ship surveyed by him under the provisions of this Act any fee or remuneration whatsoever for or in respect of such survey, otherwise than as the officer and by the direction of the Board of Trade, shall incur a penalty not exceeding fifty pounds.

Penalty on surveyors receiving fees unlawfully.

308*a*. If any surveyor or any person employed under the authority of the Passengers Act, 1855, demands or receives directly or indirectly, otherwise than by the direction of the Board of Trade, any fee, remuneration, or gratuity whatever in respect of any of the duties performed by him under this Act or the Acts amended hereby, he shall for every such offence incur a penalty not exceeding fifty pounds. (Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 15.)

Penalty on emigration surveyor receiving gratuity.

309. The owner of every passenger steamer shall cause the same to be surveyed at the times herein-after directed by one of the said shipwright surveyors and by one of the said engineer surveyors so appointed as aforesaid; such shipwright surveyor being, in the case of iron steamers, a person who is in the judgment of the Board of Trade properly qualified to survey such ships; and such surveyors shall thereupon, if satisfied that they can with propriety do so, give to such owner declarations as follows:

Owners to have surveys made by shipwright and engineer surveyors, and surveyors to give declarations.

The declaration of the shipwright surveyor shall contain statements of the following particulars; (that is to say,)

(1.) That the hull of the ship is sufficient for the service intended, and in good condition:

(2.) That the partitions, boats, life buoys, lights, signals, compasses, and shelter for deck passengers, and the certificates of the master and mate or mates, are such, and in such condition, as required by this Act:

(3.) The time (if less than six months) for which the said hull and equipments will be sufficient:

(4.) The limits (if any) beyond which, as regards the hull and equipments, the ship is in the surveyor's judgment not fit to ply:

(5.) The number of passengers which the ship is in the judgment of the surveyor fit to carry, distinguishing, if necessary, between the respective numbers to be

Survey of Passenger Steamers.

carried on the deck and in the cabins, and in different parts of the deck and cabins; such numbers to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried, or other circumstances, as the case requires:

And the declaration of the engineer surveyor shall contain statements of the following particulars; (that is to say,)

(1.) That the machinery of the ship is sufficient for the service intended, and in good condition:

(2.) The time (if less than six months) for which such machinery will be sufficient:

(3.) That the safety valves and fire hose are such and in such condition as are required by this Act:

(4.) The limits of the weight to be placed on the safety valves:

(5.) The limits (if any) beyond which, as regards the machinery, the ship is in the surveyor's judgment not fit to ply:

And such declarations shall be in such form as the Board of Trade directs.

Declaration of engineer surveyor to contain statement concerning engineers.

309*a*. The declaration required to be given by the engineer surveyor under section 309 of the Principal Act shall, in the case of a ship by this Act required to have a certificated engineer, contain, in addition to the statements in the said section mentioned, a statement that the certificate or certificates of the engineer or engineers of such ship is or are such and in such condition as is required by this Act. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 12.)

Transmission of declarations to Board of Trade.

Penalty for delay.

310. The said owner shall transmit such declarations to the Board of Trade within fourteen days after the dates of the receipt thereof respectively, and in default shall forfeit a sum not exceeding ten shillings for every day that the sending of such declaration is delayed; and such sum shall be paid upon the delivery of the certificate herein-after mentioned in addition to the fee payable for the same, and shall be applied in the same manner as such fees.

Times appointed for surveys and transmission of declarations.

311. In all cases where it is possible the said half-yearly surveys shall be made in the months of April and of October, and the declarations shall be transmitted on or before the thirtieth day of April and the thirty-first day of October respectively; but if the owner of any passenger steamer is unable to have the same surveyed in the month of April or October (as the case may be,) either by reason of such ship being absent from the United Kingdom during the whole of those periods respectively, or by reason of such ship or the machinery thereof being under construction or repair, or of

such ship being laid up in dock, or for any other reason satisfactory to the Board of Trade, then he shall have the same surveyed as aforesaid as soon thereafter as possible, and shall transmit such declarations to the Board of Trade within fourteen days after the receipt thereof, together with a statement of the reasons which have prevented the survey of such ship at the time herein-before prescribed, and shall, in case of delay in transmitting the declarations, be liable to a forfeiture similar to that mentioned in the last preceding section.

Survey of Passenger Steamers.

311*a*. Notwithstanding anything in the 311th section of the principal Act contained, it shall not be necessary for the surveys of passenger steamers to be made in the months of April and October; but no declaration shall be given by any surveyor under the fourth part of the said Act for a period exceeding six months, and no certificate issued by the Board of Trade shall remain in force more than six months from the date thereof. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 34.)

Surveys of steamers.

312. Upon the receipt of such declarations the Board of Trade shall, if satisfied that the provisions of the fourth part of this Act have been complied with, cause a certificate in duplicate to be prepared and issued to the effect that the provisions of the law with respect to the survey of the ship and the transmission of declarations in respect thereof have been complied with; and such certificate shall state the limits (if any) beyond which, according to the declaration of the surveyors, such ship is not fit to ply, and shall also contain a statement of the number of passengers which, according to the declaration of the shipwright surveyor, such ship is fit to carry, distinguishing (if necessary) between the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins, such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, the cargo carried, and other circumstances, as the case requires.

Board of Trade to issue certificates.

313. The Board of Trade shall transmit such duplicate certificate to the shipping master or to some other public officer at such port as the owner may mention for the purpose or at the port where the owner or his agent resides, or where the ship was surveyed and is for the time being lying, and shall cause notice of such transmission to be given by post or otherwise to the master or owner or his agent; and the said shipping master or officer shall deliver such duplicate certificate to the said owner, master, or agent on his applying and paying the fees and other sums (if any) herein mentioned as payable in that behalf; and in proving the due issue and transmission to the owner, agent, or master of such certificate, it shall be sufficient to show that the same has been duly

Issue and transmission of certificates.

Survey of Passenger Steamers.

received by such shipping master or public officer as aforesaid, and that due notice of the transmission thereof to such shipping master or officer has been given to such owner, master, or agent.

Fees to be paid for certificates.

314. The owner of every passenger steamer requiring a certificate under the fourth part of this Act shall pay for every certificate granted by the Board of Trade such fees as such Board directs, not exceeding the fees mentioned in the table marked T. in the schedule hereto.

TABLE T.

Fees to be charged for the survey of Passenger Steamers.

	£	s.	d.
For steamers not exceeding 100 tons - - -	2	0	0
For steamers exceeding 100 and not exceeding 300 tons -	3	0	0
For steamers exceeding 300 and not exceeding 600 tons -	4	0	0
And for every additional 300 tons an additional - -	1	0	0

How long certificates to continue in force.

315. No certificate shall be held to be in force for the purposes of the fourth part of this Act beyond the date fixed by the Board of Trade for the expiration thereof; and no certificate shall be in force after notice is given by the Board of Trade to the owner, agent, or master of the ship to which the same relates, that such Board has cancelled or revoked the same: Provided, that if any passenger steamer is absent from the United Kingdom at the time when her certificate expires, no penalty shall be incurred for the want of a certificate until she first begins to ply with passengers after her next subsequent return to the United Kingdom; and the Board of Trade may require any certificate which has expired, or has been revoked or cancelled, to be delivered up as it directs; and any owner or master who, without reasonable cause, neglects or refuses to comply with such requirement, shall incur a penalty not exceeding ten pounds.

Board of Trade may cancel certificates and require fresh declarations

316. The Board of Trade may revoke and cancel such certificates in any case in which it has reason to believe,—

(1.) That the declarations of the sufficiency and good condition of the hull, equipments, and machinery of any passenger steamer or either of them, have been fraudulently or erroneously made; or,

(2.) That such certificate has otherwise been issued upon false or erroneous information; or,

(3.) That since the making of such declarations the hull, equipments, or machinery of such ship have sustained any injury, or are otherwise insufficient:

And in every such case the Board of Trade may, if it thinks fit, require the owner to have the hull, equipments, or machinery of such ship again surveyed, and to transmit a further declaration or declarations of the sufficiency and good condition thereof, before re-issuing any certificate or granting a fresh one in lieu thereof.

Survey of Passenger Steamers.

317. The owner or master of every passenger steamer shall forthwith on the transmission of any such certificate as aforesaid to him or his agent, cause one of the duplicates thereof so transmitted to be put up in some conspicuous part of the ship, so as to be visible to all persons on board the same, and shall cause it to be continued so put up so long as such certificate remains in force and such ship is in use; and in default such owner or master shall for every offence incur a penalty not exceeding ten pounds.

Copy of certificate to be placed in conspicuous part of ship.

318. It shall not be lawful for any passenger steamer to proceed to sea or upon any voyage or excursion with any passengers on board unless the owner thereof has transmitted to the Board of Trade the declarations herein-before required, nor unless the owner or master thereof has received from such Board such a certificate as herein-before provided for, such certificate being a certificate applicable to the voyage or excursion on which such ship is about to proceed; and no officer of customs shall grant any clearance or transire for any passenger steamer unless upon the production of such certificate as aforesaid (being a certificate then in force and applicable as aforesaid); and if any passenger steamer attempts to ply or go to sea without such production, any such officer may detain her until such certificate is produced; and if any passenger steamer plies or goes to sea with any passengers on board without having one of the duplicates of such certificate as aforesaid (being a certificate then in force, and applicable as aforesaid), so put up as aforesaid in some conspicuous part of the ship, the owner thereof shall for such offence incur a penalty not exceeding one hundred pounds, and the master of such ship shall also incur a further penalty not exceeding twenty pounds.

Ship not to proceed on her voyage without certificate.

319. If the owner or master or other person in charge of any passenger steamer receives on board thereof or on or in any part thereof, or if such ship has on board thereof or on or in any part thereof, any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number of passengers allowed by the certificate, the owner or master shall incur a penalty not exceeding twenty pounds, and also an additional penalty not exceeding five shillings for every passenger over and above the number allowed by the certificate, or, if the fare of any of the passengers on board exceeds five shillings, not exceeding double the amount of the fares of all the passengers who are over and above the number so allowed as aforesaid, such fares to be estimated at the highest rate of fare payable by any passenger on board.

Penalty for carrying passengers in excess of numbers specified in certificate.

320. Every person who knowingly and wilfully makes or assists in making or procures to be made a false or fraudulent

Forgery of declaration or certificate a misdemeanor.

Survey of Passenger Steamers.

declaration or certificate with respect to any passenger steamer requiring a certificate under the fourth part of this Act, or who forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any declaration or certificate required by the fourth part of this Act, or any words or figures in any such declaration or certificate, or any signature thereto, shall be deemed guilty of a misdemeanor.

Surveyors to make returns of the build and other particulars of steam ships, and owners and masters to give information for that purpose.

321. The said surveyors shall from time to time make such returns to the Board of Trade as it requires with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of the ships surveyed by them; and every owner, master, and engineer of any such ship shall, on demand, give to such surveyors all such information and assistance within his power as they require for the purpose of such returns; and every such owner, master, or engineer who, on being applied to for that purpose, wilfully refuses or neglects to give such information or assistance, shall be liable to a penalty not exceeding five pounds.

Misconduct by Passengers in Steamers.

Misconduct by Passengers in Steamers.

Penalties on persons forcing way on board; or refusing to quit the ship.

322. *The following offenders, that is to say,*

(1.) *Any person who, after having been refused admission into any steamer by the owner or person in charge thereof or by any person in the employ of the owner thereof, on account of such steamer being full, and after having had the full amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same; and*

(2.) *Any person, having got on board any steamer, who, upon being requested on the like account by the owner or person in charge thereof or by any person in the employ of the owner, to leave such steamer before the same has quitted the place at which such person got on board, and upon having the full amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request,*

Shall for each such offence incur a penalty not exceeding forty shillings, to be paid to the said owner. [Repealed by Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63.]

Penalty on avoiding payment of fares.

323. *The following offenders, that is to say,*

(1.) *Any person who travels or attempts to travel in any passenger steamer which has been duly surveyed in*

conformity with the provisions of this Act, without having previously paid his fare, and with intent to avoid payment thereof; and

Misconduct by Passengers in Steamers.

(2.) *Any person who, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such steamer beyond such distance, without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof; and*

(3.) *Any person who knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit any such steamer,*

Shall for every such offence incur a penalty not exceeding five shillings, in addition to the fare payable by him, such penalty to be payable to the owner of such steamer. [Repealed by Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63.]

323*a*. The following offenders, that is to say,

Penalties on drunken or disorderly passengers.

(1.) Any person who, being drunken or disorderly, has been on that account refused admission into any duly surveyed passenger steamer by the owner or any person in his employ, and who, after having had the amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter such steamer;

(2.) Any person who being drunken or disorderly on board any such steamer is requested by the owner or any person in his employ to leave the same at any place in the United Kingdom at which he can conveniently so do, and who having had the amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request;

On persons molesting passengers.

(3.) Any person on board any such steamer who after warning by the master or any other officer of the steamer molests or continues to molest any passenger;

Penalties on persons forcing way on board the ship when full.

(4.) Any person who, after having been refused admission into any such steamer by the owner or any person in his employ on account of such steamer being full, and who after having had the full amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same;

And on persons refusing to quit the ship when full.

(5.) Any person, having got on board any such steamer, who, upon being requested on the like account by the owner or any person in his employ to leave such steamer before the same has quitted the place at which such person got on board, and who upon having the full amount of his fare (if he has paid

Misconduct by Passengers in Steamers.

Penalties for avoiding payment of fares.

the same) returned or tendered to him, refuses to comply with such request;

(6.) Any person who travels or attempts to travel in any such steamer without having previously paid his fare, and with intent to avoid payment thereof;

(7.) Any person who, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such steamer beyond such distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof;

(8.) Any person who knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit any such steamer, and

(9.) Any person on board any such steamer who does not when required by the master or other officer of such steamer either pay his fare or exhibit such ticket or other receipt (if any) showing the payment of his fare as is usually given to persons travelling by and paying their fare for such steamer;

Shall for every such offence be liable to a penalty not exceeding forty shillings; but such liability shall not prejudice the recovery of any fare payable by him. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict c 63. s. 35.)

Penalty for injuring steamer or molesting crew.

323*b*. Any person on board any such steamer who wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of such steamer, or to obstruct, impede, or molest the crew or any of them in the navigation or management of such steamer, or otherwise in the execution of their duty upon or about such steamer, shall for every such offence be liable to a penalty not exceeding twenty pounds. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict c. 63. s. 36.)

Manner of apprehending offenders.

323*c*. It shall be lawful for the master or other officer of any duly surveyed passenger steamer, and for all persons called by him to his assistance, to detain any person who has committed any offence against any of the provisions of the two last preceding sections of this Act, and whose name and address are unknown to such officer, and to convey such offender with all convenient despatch before some justice without any warrant or other authority than this Act; and such justice shall have jurisdiction to try the case, and shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender. (Merchant Shipping Act Amendment Act, 25 & 26 Vict. c. 63. s. 37.).

Penalty on persons refusing to give their name and address.

324. Every person who, having committed any of the offences mentioned in the two last preceding sections or either of them, refuses, on application of the master of the ship or of any other person in the employ of the owner thereof, to give

his name and address, or who on such application gives a false name or address, shall incur a penalty not exceeding twenty pounds, to be paid to the said owner.

Misconduct by Passengers in Steamers.

325. The master of any home trade passenger steam ship may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance to other passengers on board, or, if such person is on board, may put him on shore at any convenient place; and no person so refused admittance or put on shore shall be entitled to the return of any fare he may have paid.

Power to refuse or remove passengers who are drunk or misconduct themselves.

Accidents.

Accidents.

326. Whenever any steam ship has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery, the owner or master shall, within twenty-four hours after the happening of such accident or damage, or as soon thereafter as possible, send to the Board of Trade, by letter signed by such owner or master, a report of such accident or damage, and of the probable occasion thereof, stating the name of the ship, the port to which she belongs, and the place where she is; and if such owner or master neglect so to do he shall for such offence incur a penalty not exceeding fifty pounds.

Accidents to steam ships to be reported to Board of Trade.

327. *If the owner of any steam ship have reason, owing to the nonappearance of such ship, or to any other circumstance, to apprehend that such ship has been wholly lost, he shall as soon as conveniently may be send notice thereof in like manner to the Board of Trade, and if he neglect so to do within a reasonable time he shall for such offence incur a penalty not exceeding fifty pounds.* [Repealed by Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 33.]

Notice to be given of apprehended loss of steam ships.

327*a*. If the managing owner, or, in the event of there being no managing owner, the ship's husband of any British ship have reason, owing to the nonappearance of such ship, or to any other circumstance, to apprehend that such ship has been wholly lost, he shall, as soon as conveniently may be, send to the Board of Trade notice in writing of such loss and of the probable occasion thereof, stating the name of the ship and her official number (if any), and the port to which she belongs, and if he neglect to do so within a reasonable time he shall incur a penalty not exceeding fifty pounds. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 22.)

Notice to be given of apprehended loss of ship.

Accidents.

Collisions to be entered in official log.

328. In every case of collision, in which it is practicable so to do, the master shall immediately after the occurrence cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book (if any), such entry to be signed by the master, and also by the mate or one of the crew, and in default shall incur a penalty not exceeding twenty pounds.

Carrying dangerous Goods.

Carrying dangerous Goods.

Provisions to prevent the taking dangerous goods on board without due notice.

329. *No person shall be entitled to carry in any ship, or to require the master or owner of any ship to carry therein, any aquafortis, oil of vitriol, gunpowder, or any other goods which, in the judgment of such master or owner, are of a dangerous nature; and if any person carries or sends by any ship any goods of a dangerous nature without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the master or owner at or before the time of carrying or sending the same to be shipped, he shall for every such offence incur a penalty not exceeding one hundred pounds; and the master or owner of any ship may refuse to take on board any parcel that he suspects to contain goods of a dangerous nature, and may require them to be opened to ascertain the fact.* [Repealed by Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 33.]

Restrictions on carriage of dangerous goods.

329*a*. If any person sends or attempts to send by, or not being the master or owner of the vessel carries or attempts to carry in any vessel, British or foreign, any dangerous goods; (that is to say,) aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitro-glycerine, petroleum, or any other goods of a dangerous nature, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of such goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending the same to be shipped or taking the same on board the vessel, he shall for every such offence incur a penalty not exceeding one hundred pounds: Provided that if such person show that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, the penalty which he incurs shall not exceed ten pounds. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 23.)

Penalty for misdescription of dangerous goods.

329*b*. If any person knowingly sends or attempts to send by, or carries or attempts to carry in any vessel, British or foreign, any dangerous goods or goods of a dangerous nature, under a false description, or falsely describes the sender or carrier thereof, he shall incur a penalty not exceeding five

hundred pounds. (Merchant Shipping Act, 1873, 36 & 37 Victt. c. 85. s. 24.)

Carrying dangerous Goods.

329*c*. The master or owner of any vessel, British or foreign, may refuse to take on board any package or parcel which he suspects to contain goods of a dangerous nature, and may require it to be opened to ascertain the fact. (Merchant Shipping Act, 1873, 36 & 37 Victt. c. 85. s. 25.)

Power to refuse to carry goods suspected of being dangerous.

329*d*. Where any dangerous goods as defined in this Act, or any goods which, in the judgment of the master or owner of the vessel, are of a dangerous nature, have been sent or brought aboard any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the vessel may cause such goods to be thrown overboard, together with any package or receptacle in which they are contained; and neither the master nor the owner of the vessel shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any court. (Merchant Shipping Act, 1873, 36 & 37 Victt. c. 85. s. 26.)

Power to throw overboard dangerous goods.

329*e*. Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, and where any such goods have been sent or carried, or attempted to be sent or carried, under a false description, or the sender or carrier thereof has been falsely described, it shall be lawful for any court having Admiralty jurisdiction to declare such goods, and any package or receptacle in which they are contained, to be and they shall thereupon be forfeited, and when forfeited shall be disposed of as the court directs.

Forfeiture of dangerous goods improperly sent.

The court shall have and may exercise the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods have not committed any offence under the provisions of this Act relating to dangerous goods, and be not before the court, and have not notice of the proceedings, and notwithstanding that there be no evidence to show to whom the goods belong; nevertheless the court may, in its discretion, require such notice as it may direct to be given to the owner or shipper of the goods before the same are forfeited. (Merchant Shipping Act, 1873, 36 & 37 Victt. c. 85. s. 27.)

329*f*. The provisions of this Act relating to the carriage of dangerous goods shall be deemed to be in addition to and not in substitution for or in restraint of any other enactment for the like object, so nevertheless that nothing in the said provisions shall be deemed to authorise that any person be sued or prosecuted twice in the same matter. (Merchant Shipping Act, 1873, 36 & 37 Victt. c. 85. s. 28.)

Saving as to Dangerous Goods Acts.

Emigrant Ships.

To what vessels and voyages this Act extends.

Emigrant Ships.

329*g*. This Act shall extend to every "passenger ship" proceeding on any voyage from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, and on every colonial voyage as herein-after described, and, in the particulars mentioned or referred to in sections one hundred, one hundred and one, and one hundred and two, to every ship bringing passengers into the United Kingdom from any place out of Europe and not being within the Mediterranean Sea, but shall not extend to any of Her Majesty's ships of war, nor to any ships in the service of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, nor to any ship of war or transport in the service of the East India Company,* *nor to any steam vessel regularly employed in the conveyance of the public mails under an existing contract with the government of the state or colony to which such steam vessel may belong, provided the master thereof shall, on demand, produce to the emigration officer at the port of clearance or port of departure a certificate of exemption, in the form given in Schedule (A.) hereto annexed, under the hand of the postmaster general of the United Kingdom, or of some person deputed by him for the purpose, or in the case of a colony, under the hand of the governor thereof, or in the case of a foreign state, under the hand of the postmaster general or other competent government officer, whose signature shall be authenticated by the signature of a British consular officer in such foreign state.* (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 4.)

SCHEDULE (A.)

FORM of CERTIFICATE exempting a MAIL STEAMER from the Provisions of the British Passengers Act, 1855.

N.B.—This certificate must be produced on demand, to the emigration officer or his assistant, or if there be no such officer to the chief officer of customs at the port of clearance or port of departure, by the master of any steam vessel claiming exemption from the Passengers Act, otherwise the exemption will not be allowed.

This is to certify that the steam vessel of tons, *registered* (a) tonnage, belonging to the

(a) Omit this word if inapplicable in the case of a foreign vessel.

* Words in italics repealed by Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 4., which enacts that every steam vessel, whether British, foreign, or colonial, which shall carry passengers other than cabin passengers in sufficient number to bring such vessel within the definition of a passenger ship, as set forth in the third section of that Act, shall be subject to the provisions of the Act of 1855 and of that Act in like manner as any passenger ship not carrying a mail.

port of , is duly authorised to carry mails under a contract with the Government of (b) between (b) and (b) , and is therefore exempt from the operations of the "Passengers Act, 1855," from the date hereof to the day of 18

Emigrant Ships.

(b) Insert here the name of the state.

Given under my hand at , this day of 18 .

(Signature) — Postmaster-General of the United Kingdom *or his deputy* (*or* Governor *or* Postmaster-General, *&c.* of [*name the colony or foreign state*] *as the case may be*).

BRITISH CONSUL'S CERTIFICATE in the case of a FOREIGN STEAM VESSEL.

The above signature is to the best of my belief the signature of the [*here insert the title of the officer signing the preceding certificate*], the officer duly authorised by the Government of to grant the same.

(Signature) — Her Britannic Majesty's Consul-General, Consul, *or* Vice-Consul of (*as the case may be*).

329*h*. *Such certificate of exemption shall be issuable at the discretion of the officer authorised to grant the same as hereinbefore mentioned, and shall remain in force for the period specified therein, unless sooner revoked, or unless the vessel for which it shall have been issued shall sooner cease to be employed in carrying the public mails; and if any person shall make or attempt to make any fraudulent use of any such certificate, or shall forge, counterfeit, alter, or erase the whole or any part thereof, or shall use or attempt to use any spurious or fraudulent certificate, the person so offending, and every person aiding and abetting in such offence, shall be liable to a penalty not exceeding five hundred pounds sterling, and the vessel for which the exemption is claimed shall not be cleared out until all the requirements of this Act have been complied with.** (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 5.)

Penalty on fraudulently using certificates or using fraudulent certificates.

329*i*. *And whereas by a warrant under Her Majesty's sign manual, bearing date on the twenty-seventh day of November one thousand eight hundred and forty-seven, Her Majesty was pleased to appoint certain persons therein named under the style of "The Colonial Land and Emigration Commissioners," to be, during Her Majesty's pleasure, commissioners in the United Kingdom for the sale of the waste lands of the Crown of Her Majesty's colonies, and for superintending the emigration of the poorer classes of Her Majesty's subjects to such colonies: And whereas it is expedient that such commissioners should be empowered to carry this Act*

Commissioners of Emigration to carry this Act into execution.

* This section virtually repealed by 26 & 27 Vict. c. 51. s. 4.

Emigrant Ships.

*into execution: Be it therefore enacted, that the said commissioners, and their successors for the time being, shall and they are hereby empowered to carry this Act into execution; and that for all legal and other purposes it shall be sufficient to describe such commissioners by the style of "The Emigration Commissioners."** (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 6.)

Emigration Commissioners may sue and be sued in the name of their secretary, &c.

329*j*. *The said Emigration Commissioners for the time being may sue and be sued in the name of their secretary, or of any one of such commissioners for the time being, and legal or equitable proceedings taken by or against the said commissioners in the name of any one of them or of their secretary shall not abate nor be discontinued by the death or removal of such secretary or commissioner, but the secretary for the time being, or any one of such commissioners, shall always be deemed to be the plaintiff or defendant (as the case may be) in any such proceedings:** Provided always, that the said *commissioners* [board†] and their secretary, and the emigration officers herein-after mentioned respectively, shall in no case be personally liable, nor shall the private estate and effects of any of them be liable, for the payment of any moneys or costs or otherwise in respect of any contract made or hereafter to be made by them or any of them, or in respect of any legal or equitable proceedings taken against them or any of them, or for any act, deed, or matter done or executed by them or any of them in their or his official capacity and on the public service. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 7.)

Commissioners, &c. exempt from liability.

Transfer to Board of Trade of powers and duties of Emigration Commissioners.

329*k*. The sixth and seventh sections of the Passengers Act, 1855, except so much of the latter section as provides for the immunity of emigration officers, shall be repealed, and all powers and duties vested in or imposed on the Emigration Commissioners by the Passengers Act, 1855, and the Passengers Act Amendment Act, 1863, shall be transferred to and imposed on the Board of Trade.

In the construction and for the purposes of the said Acts, the name of the Board of Trade shall be deemed to be substituted for the name of the Emigration Commissioners and anything which might, if this Act had not passed, have been done by the Emigration Commissioners whether acting independently or under the sanction or authority of one of Her Majesty's principal secretaries of state, may be done by the Board of Trade independently of such sanction or authority. (Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.)

Emigration officers and assistants to act under the Board of Trade, &c., but exist-

329*l*. In the United Kingdom the said *commissioners* [board*] acting under the sanction of one of Her Majesty's

* Repealed by Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.
† Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

principal secretaries of state, and in Her Majesty's possessions abroad the respective governors thereof, may from time to time appoint, and the said *commissioners* [board*] and governors may at pleasure from time to time remove such emigration officers and assistant emigration officers as they may respectively think necessary, for the purpose of carrying this Act into execution, under the direction of the said *commissioners* [board*] or governors, as the case may be: Provided nevertheless, that all existing appointments of emigration officers or immigration agents and of their assistants, as well in the United Kingdom as in Her Majesty's possessions abroad, shall continue in force under this Act until duly revoked. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 8.)

ing appointments to continue until revoked.

329*m*. All powers, functions, and duties to be exercised or performed by any such emigration officer may be exercised and performed respectively by his assistant, or, at any port where there shall be no such emigration officer or assistant, or in their absence, by the chief officer of customs for the time being at such port. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 9.)

Duties of emigration officer may be performed by his assistant or by officer of customs.

329*n*. The master of every ship, whether a "passenger ship" or otherwise, fitting or intended for the carriage of passengers, or which shall carry passengers upon any voyage to which this Act extends, shall afford to such emigration officer as aforesaid at any port or place in Her Majesty's dominions, and in the case of British ships, to Her Majesty's consular officer at any foreign port or place at which such ship shall be or arrive, every facility for inspecting such ship, and for communicating with the passengers, and for ascertaining that the provisions of this Act, so far as the same may be applicable to such ships, have been duly complied with; the master of any ship who shall omit or fail to comply with any of the requirements of this section shall be liable to a penalty not exceeding fifty pounds. (Passengers Act, 1855, 18 & 19 Vict. c 119. s. 10)

Facilities to be given to the proper officers for the inspection of all ships fitting for passengers.

Penalty on master failing to comply, &c.

Arrangements for the Ship.

329*o*. No ship fitted or intended for the carriage of passengers as a "passenger ship" shall clear out or proceed to sea until the master thereof shall have obtained from the emigration officer at the port of clearance a certificate of clearance under his hand that all the requirements of this Act, so far as the same can be complied with, before the departure of such ship, have been duly complied with, and that such ship is, in his opinion, seaworthy, in safe trim, and in all respects fit for her intended voyage, and that her passengers and crew are in a fit state to proceed, nor until the master shall have joined in executing such bond to the crown

No passenger ship to clear without certificate from emigration officer, nor until bond be given to the Crown.

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant Ships.

as required by the sixty-third section of this Act: Provided that if such emigration officer shall refuse to grant such certificate, and the owner or charterer of such ship shall appeal in writing to the *Emigration Commissioners* [Board of Trade*] such *commissioners* [board*] shall appoint any two other emigration officers, or any two competent persons, at the expense of the appellant, to examine into the matter, and if the persons so appointed shall grant a certificate under their joint hands to the purport herein-before required, such certificate shall be held to be of the same effect as if granted by the emigration officer of the port of clearance (Passengers Act, 1855, 18 & 19 Vict c 119 s. 11)

Forfeiture of ship if master proceeds to sea without certificate of clearance, &c

329*p*. *If any "passenger ship" shall clear out or proceed to sea without the master's having first obtained such certificate of clearance, or without his having joined in executing such bond, as by this Act is required, or if such ship after having sailed shall put into any port or place in the United Kingdom in a damaged state, and shall put to sea again without the master having first obtained such certificate of clearance as required by section fifty of this Act, such ship shall be forfeited to the use of Her Majesty, and may be seized by any officer of customs, if found, within two years from the commission of the offence, in any port or place in Her Majesty's Dominions, and such ship shall thereupon be dealt with in the same manner as if she had been seized as forfeited under any of the laws relating to the customs for an offence incurring forfeiture under those laws* † (Passengers Act, 1855, 18 & 19 Vict c. 119. s. 12)

Such ship to be dealt with as if seized under laws relating to customs

Forfeiture of ship if master proceeds to sea without certificate of clearance, &c

329*q*. If any passenger ship shall clear out or proceed to sea without the master having first obtained such certificate of clearance, or without his having joined in executing such bond to the Crown as by the said "Passengers Act, 1855," are required, or if such ship, after having put to sea, shall put into any port or place in the United Kingdom in a damaged state, and shall leave or attempt to leave such port or place with passengers on board without the master having first obtained such certificate of clearance as is required by section fifty of the said "Passengers Act, 1855," such ship shall be forfeited to the use of Her Majesty, and may be seized by any officer of customs, if found, within two years from the commission of the offence, in any port or place in Her Majesty's dominions; and such ship shall thereupon be dealt with in the same manner as if she had been seized as forfeited for an offence incurring forfeiture under any of the laws relating to the customs: Provided that it shall be lawful for one of Her Majesty's principal Secretaries of State to release, if he shall

Such ship to be dealt with as if seized under customs laws

* Merchant Shipping Act, 1872, 35 & 36 Vict c 73 s 5

† Repealed by Passengers Act Amendment Act, 1863, 26 & 27 Vict c 51 s 12

think fit, any such forfeited ship from seizure and forfeiture, on payment by the owner, charterer, or master thereof, to the use of Her Majesty, of such sum not exceeding two thousand pounds as such Secretary of State may by any writing under his hand specify.* (Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 13.)

Power to Secretary of State to release ships on payment of a sum of money.

329*r*. No ship shall carry passengers or cabin passengers on more than two decks; provided that cabin passengers in a proportion not exceeding one cabin passenger for every one hundred tons of the ship's registered tonnage, or sick persons placed in a hospital, as herein-after provided, may be carried in a poop or deck house, notwithstanding that passengers are carried on two other decks, and if passengers are carried under the poop or in any round house or deck house, such poop, round house, or deck house shall be properly built and secured to the satisfaction of the emigration officer at the port of clearance: For any breach of this enactment the master of the ship shall for each offence be liable to a penalty not exceeding five hundred pounds nor less than twenty pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 13.)

Where passengers may be carried.

329*s*. For determining the number of passengers to be carried in any "passenger ship" the following rules shall be observed:

Rule for determining the number of passengers to be carried.

(1.)† *No ship propelled by sails only shall carry a greater number of persons (including every individual on board) than in the proportion of one statute adult to every two tons of her registered tonnage:*

(2.) No ship shall carry under the poop, or in the round house or deck house, or on the "upper passenger deck," a greater number of passengers than in the proportion of one statute adult to every fifteen clear superficial feet of deck allotted to their use:

(3.) No ship shall carry on her lower passenger deck a greater number of passengers than in the proportion of one statute adult to every eighteen clear superficial feet of deck allotted to their use: Provided nevertheless, that if the height between such lower passenger deck and the deck immediately above it shall be less than seven feet, or if the apertures (exclusive of side scuttles) through which light and air shall be admitted together to the lower passenger deck shall be less in size than in the proportion of three square feet to every one hundred superficial feet of the lower passenger deck, no greater number of passengers shall be carried on such deck than

* This power transferred from Secretary of State to Board of Trade by Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 7.

† The part in italics repealed by Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 5.

Emigrant Ships.

in the proportion of one statute adult to every twenty-five clear superficial feet thereof:

(4.) No ship, whatever be her tonnage or superficial space of "passenger decks," shall carry a greater number of passengers on the whole than in the proportion of one statute adult to every five superficial feet, clear for exercise, on the upper deck or poop, or (if secured and fitted on the top with a railing or guard to the satisfaction of the emigration officer at the port of clearance) on any round house or deck house:

(5.) In the measurement of the passenger decks, poop, round house, or deck house, the space for the hospital and that occupied by such portion of the personal luggage of the passengers as the emigration officer may permit to be carried there shall be included:

Penalty.

If there shall be on board of any ship at or after the time of clearance a greater number,* *either* of *persons or* passengers (except by births at sea), than in the proportions respectively herein-before mentioned, the master of such ship shall be liable to a penalty not exceeding twenty pounds nor less than five pounds sterling for each passenger *or person* constituting such excess. (Passenger Act, 1855, 18 & 19 Vict. c. 119. s. 14.)

Nothing to extend to repeal 16 & 17 Vict. c. 84.

329*t*. Provided nevertheless, that nothing in this Act contained shall extend to repeal or vary an Act passed in the session of Parliament holden in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter eighty-four, intituled "An Act to amend the Passengers Act, 1852, so far "as relates to the passages of natives of Asia or Africa, and "also passages between the island of Ceylon and certain "parts of the East Indies." (Passenger Act, 1855, 18 & 19 Vict. c. 119. s. 15.)

Power for governors of colonies to allow carriage of larger number of Asiatic and African passengers.

329*u*. It shall be lawful for the governors of Her Majesty's possessions abroad, if they shall think fit, to declare by proclamation that ships intended to pass within the tropics from any ports within their respective governments may convey passengers, being natives of Asia or Africa, after the rate of one for every twelve superficial feet of the passenger deck, instead of one for every fifteen such superficial feet as required by the section aforesaid.† (16 & 17 Vict. c. 84. s. 1.)

Power for Government of Ceylon to regulate number of passengers in certain ships.

329*v*. The restrictions in the said twelfth section of the Passengers Act, 1852,‡ shall not apply to vessels proceeding on any voyage from any port or place in the Island of Ceylon to any port or place in the territories under the government

* The words in italics repealed by Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 5.

† *i.e.*, s. 12. of the Passenger Act, 1852, for which s. 14. of the Passenger Act, 1855, s. 329*s*, has been substituted.

‡ This is the section for which has been substituted s. 14. of the Passenger Act, 1855, s. 329*s*, *supra*.

Emigrant Ships.

of the East India Company in the Gulf of Manar or Palks' Straits, but that it shall be lawful for the governor and legislative council of Ceylon, if they shall so think fit, to regulate by ordinance the number of persons or passengers who may be carried on board of vessels proceeding on any such voyage as last aforesaid. (16 & 17 Vict. c. 84. s. 2.)

Passengers lists to be delivered in duplicate by the master before clearance.

329*w*. The master of every ship, whether a "passenger ship" or otherwise, carrying passengers on any voyage to which this Act extends, shall, before demanding a clearance for such ship, sign two lists, made out according to the form contained in Schedule (B.) hereto annexed, correctly setting forth in the manner therein directed the name and other particulars of the ship, and of every passenger on board thereof; and the said lists, when countersigned by the emigration officer, where there is one at the port, shall be delivered by the master to the officer of the customs from whom a clearance of the said ship shall be demanded, and such officer shall thereupon also countersign and return to the said master one of such lists, herein-after called "the master's list;" *and the said master shall note in writing on such last-mentioned list, and on any additional lists to be made out as next herein-after provided, the date and supposed cause of death of any passenger who may die, and the date of birth and sex of any child who may be born on the voyage, and shall exhibit such last-mentioned list, with any additions which may from time to time be made thereto, as herein-after directed, to the chief officer of customs at any port or place in Her Majesty's possessions, or to Her Majesty's consular officer at any foreign port at which the said passengers or any of them shall be landed, and shall deposit the same with such chief officer of customs or such consular officer, as the case may be, at the final port or place of discharge, and such officer of customs or consular officer shall thereupon forthwith transmit the particulars respecting any passenger who may die, or of any child who may be born on the voyage, to the Registrar General of Births, Deaths, and Marriages in England, who shall file the same, and enter a copy thereof under his hand in the "marine register book," which entry shall be dealt with and be of the same value as evidence as any other entry made in such book under the provisions of an Act passed in the session of Parliament held in the sixth and seventh years of the reign of Her present Majesty, intituled "An Act for "registering Births, Deaths, and Marriages in England:"** In case of noncompliance with any of the requirements of this section on the part of the master, or if such lists shall be wilfully false, the master shall for each offence be liable to a penalty not exceeding one hundred pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 16.)

* Words in italics repealed by the Births and Deaths Registration Act, 1874, 37 & 38 Vict. c. 88. s. 54.

SCHEDULE (B.)

Form of Passengers List.

Ship's Name.	Master's Name.	Tons per Register.	Aggregate Number of Superficial Feet in the several Compartments set apart for Passengers other than Cabin Passengers.	Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers, which the Ship can legally carry.	Where bound.

I hereby certify, That the Provisions actually laden on board this Ship are sufficient, according to the Requirements of the Passengers Act, for Statute Adults for a Voyage of Days.

Date_____185 (Signature)_____Master.

Names and Descriptions of Passengers.

N.B.—Cabin Passengers must also be included. Sec. 5. of 26 & 27 Vict. cap. 51.

Ports of Embarkation.	Names of Passengers.	Age of each Adult of 12 Years and upwards.				Children, between 1 and 12 Years.		Infants.		Profession, Occupation, or Calling of Passenger.	State whether English, Scotch, or Irish.	Port at which Passengers have contracted to land.
		Married.		Single.								
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.			

SCHEDULE (B.)—*continued.*

SUMMARY.

	Number of Souls.				Equal to Statute Adults.
	English.	Scotch.	Irish.	Total.	
Adults - - -					
Children between 1 and 12					
Infants - - -					
TOTAL - -					

We hereby certify, that the above is a correct list of the names and descriptions of all the passengers who embarked at the port of_____.

(Signed) _____Master.

_____Emigration officer.

(Countersigned)_____Officer of Customs at_____

Date_____185 .

N.B.—Lines should be ruled in the same form for any additions to the list after the ship first clears out; and similar certificates be subjoined to such additions according to the requirements of the Act.

Lists of passengers embarked after clearance to delivered by master.

329*x*. If at any time after such lists shall been signed and delivered as aforesaid any additional passenger shall be taken on board, in every such case the master shall, according to the form aforesaid, add to "the master's list" the names and other particulars of every such additional passenger, and shall also sign a separate list, made out according to the form aforesaid, containing the names and other particulars of every such additional passenger, and such last-mentioned

Emigrant Ships.

list, when countersigned by the emigration officer, where there is one at the port, shall, together with "the master's list" to which such addition shall have been made, be delivered to the chief officer of customs as aforesaid, and thereupon such officer shall countersign "the master's list," and shall return the same to the said master, and shall retain the separate list, and so on in like manner whenever any additional passenger or passengers may be taken on board; or if no officer of customs shall be stationed at the port or place where such additional passenger or passengers may be taken on board, the said lists shall be delivered to the officer of customs at the next port or place at which such vessel shall touch or arrive and where any such officer shall be stationed, to be dealt with as herein-before mentioned: Provided that when any additional passengers shall be taken on board the master shall obtain a fresh certificate from the emigration officer of the port that all the requirements of this Act have been duly complied with before the ship shall proceed to sea: In case of noncompliance with any of the requirements of this section, the master of such ship shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 17.)

Penalty on noncompliance.

Cabin passengers to be included in passenger lists.

329*y*. In the passenger lists required by the sixteenth and seventeenth sections of "The Passengers Act, 1855," to be delivered by the master of every ship before demanding a clearance, there shall be set forth, in addition to the other particulars required by "The Passengers Act, 1855," the names of all cabin passengers on board such ships, specifying whether they respectively are under or over twelve years of age, and at what place the passengers and cabin passengers respectively are to be landed, and the Schedule B. to the said Act shall be altered accordingly. (Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 6.)

Penalty on persons found on board ships without consent of owners, &c.

329*z*. If any person shall be found on board any passenger ship with intent to obtain a passage therein without the consent of the owner, charterer, or master thereof, such person, and every person aiding and abetting him in such fraudulent intent, shall respectively be liable to a penalty not exceeding *five pounds*,* and in default of payment to imprisonment, with or without hard labour, for a period not exceeding three calendar months; and such person so found on board may be taken before any justice of the peace, without warrant, and such justice may summarily hear the case, and on proof of the offence convict such offender as aforesaid. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 18.)

* Maximum penalty increased to twenty pounds, 26 & 27 Vict. c. 51. 7.

Emigrant Ships.

All passenger ships to be surveyed before clearing out.

329*aa*. No "passenger ship" shall clear out or proceed to sea unless she shall have been surveyed, under the direction of the emigration officer at the port of clearance, but at the expense of the owner or charterer thereof, by two or more competent surveyors* to be appointed by the said *Emigration Commissioners* [Board of Trade†] for each port at which there may be an emigration officer, and for other ports by the Commissioners of Customs, nor unless it shall be reported by such surveyors that such "passenger ship" is in their opinion seaworthy and fit for her intended voyage. The survey shall be made before any part of the cargo is taken on board, except so much as may be necessary for ballasting the ship, and such portion of cargo, if laden on board, shall be shifted, if required by the emigration officer or surveyors, so as to expose to view successively every part of the frame of the ship. In case of noncompliance with any of the requirements of this section, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a penalty not exceeding one hundred pounds nor less than five pounds sterling: Provided always, that in case any "passenger ship" shall be reported by any such surveyors not to be seaworthy, or not fit for her said intended voyage, the owner or charterer, if he shall think fit, may require, by writing under his hand, the emigration officer, or in his absence the chief officer of customs, to appoint three other competent surveyors, of whom two at least shall be shipwrights, to survey the said ship, at the expense of the said owner or charterer; and the said officer shall thereupon appoint such surveyors, who shall survey the said ship, and if they shall, by an unanimous report under their hands (but not otherwise), declare the said ship to be seaworthy, and fit for her intended voyage, the said ship shall then, for the purposes of this Act, be deemed seaworthy for such voyage. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 19.)

Penalty on noncompliance.

Power to owners to appeal against surveyors, report of ships not being seaworthy.

As to the construction of beams and decks.

329*bb*. In every "passenger ship" the beams supporting the "passenger decks" shall form part of the permanent structure of the ship: they shall be of adequate strength, in the judgment of the emigration officer at the port of clearance, and shall be firmly secured to the ship to his satisfaction. The "passenger decks" shall be at least one inch and a half in thickness, and shall be laid and firmly fastened upon the beams continuously from side to side of the compartment in which the passengers are berthed. The height between that part of any deck on which passengers are carried and the deck immediately above it shall not be less than six feet. In case of noncompliance with any of the requirements of this section, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a penalty not exceeding fifty

* See s. 305 *b*. and following sections.

† Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant Ships.

pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 20.)

Arrangement and size of berths.

329*cc*. There shall not be more than two tiers of berths on any one deck in any "passenger ship," and the interval between the floor of the berths and the deck immediately beneath them shall not be less than six inches, nor the interval between each tier of berths and between the uppermost tier and the deck above it less than two feet six inches: the berths shall be securely constructed, and of dimensions not less than six feet in length and eighteen inches in width for each statute adult, and shall be sufficient in number for the proper accommodation of all the passengers contained in the lists of passengers herein-before required to be delivered by the master of the ship. No part of any berth shall be placed within nine inches of any watercloset erected in the between-decks. In case of noncompliance with any of the requirements of this section, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 21.)

Single men to be berthed in a separate compartment.

329*dd*. In every "passenger ship" all the male passengers of the age of fourteen years and upwards who shall not occupy berths with their wives shall, to the satisfaction of the emigration officer at the port of clearance, be berthed in the fore part of the ship, in a compartment divided off from the space appropriated to the other passengers by a substantial and well-secured bulk-head, without opening into, or communication with, any adjoining passenger berth, or in separate rooms if the ship be fitted with enclosed berths: not more than one passenger, unless husband and wife, or females or children under twelve years of age, shall be placed in or occupy the same berth. In case of noncompliance with any of the requirements of this section, the owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 22.)

As to numbers and sexes in one berth.

Penalty.

Berths not to be removed till passengers landed.

329*ee*. No berths in a "passenger ship" occupied by passengers during the voyage shall be taken down until forty-eight hours after the arrival of such ship at the port of final discharge, unless all the passengers shall have voluntarily quitted the ship before the expiration of that time. In case of noncompliance with any of the requirements of this section, the master of such ship shall be liable for each offence to a penalty not exceeding fifty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 23.)

Space to be allotted as a hospital.

329*ff*. In every "passenger ship" there shall be a sufficient space properly divided off to the satisfaction of the emigration officer at the port of clearance, to be used exclusively as a

hospital or hospitals for the passengers: this space shall be under the poop, or in the round house, or in any deck house which shall be properly built and secured to the satisfaction of such emigration officer, or on the upper passenger deck, and not elsewhere, and shall in no case be less than eighteen clear superficial feet for every fifty passengers which the ship shall carry. Such hospitals shall be fitted with bed-places, and supplied with proper beds, bedding, and utensils, to the satisfaction of the emigration officer at the port of clearance, and throughout the voyage kept so fitted and supplied. In case of noncompliance with any of the requirements of this section, the owner, charterer, or master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 24.)

Emigrant Ships.

Penalty.

329*gg*. No "passenger ship" shall clear out or proceed to sea unless fitted, to the satisfaction of the emigration officer at the port of clearance, with at least two privies, and with two additional privies on deck for every one hundred passengers on board, and in ships carrying as many as fifty female passengers, with at least two waterclosets under the poop, or elsewhere on the upper deck, to the satisfaction of such emigration officer, for the exclusive use of the women and young children; all of which privies and waterclosets shall be firmly constructed and maintained in a serviceable and cleanly condition throughout the voyage, and shall not be taken down until the expiration of forty-eight hours after the arrival of the ship at the port of final discharge, unless all the passengers sooner quit the ship; provided that such privies shall be placed in equal numbers on each side of the ship, and need not in any case exceed twelve in number. In case of noncompliance with any of the requirements of this section, the master shall be liable to a penalty for each offence not exceeding fifty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 25.)

Regulation as to construction of privies.

329*hh*. No "passenger ship" shall clear out or proceed to sea without such provision for affording light and air to the passenger decks as the circumstances of the case may, in the judgment of the emigration officer at the port of clearance, require; nor if there are as many as one hundred passengers on board, without having an adequate and proper ventilating apparatus, to be approved by such emigration officer, and fitted to his satisfaction; the passengers shall, moreover, have the free and unimpeded use of the whole of each hatchway situated over the space appropriated to their use, and over each such hatchway there shall be erected such a boobyhatch or other substantial covering as shall, in the opinion of such emigration officer, afford the greatest amount of light and air, and of protection from wet, as the case will admit. In case of noncompliance with any of the requirements of this section, the

As to light and ventilation.

Penalty on noncompliance.

Emigrant Ships.

owner, charterer, or master of the ship, or any of them, shall for each offence be liable to a penalty not exceeding fifty pounds nor less than twenty pounds. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 26.)

Regulations as to the carrying of boats;

329*ii.* Every "passenger ship" shall carry throughout the voyage a number of boats according to the following scale; (that is to say,)

Two boats for every ship of less than two hundred tons:

Three boats for every ship of two hundred and less than four hundred tons:

Four boats for every ship of four hundred and less than six hundred tons:

Five boats for every ship of six hundred and less than ten hundred tons:

Six boats for every ship of ten hundred and less than fifteen hundred tons:

Seven boats for every ship of fifteen hundred tons and upwards: Provided that no "passenger ship" shall be required to carry a greater number of boats than are sufficient in the judgment of the emigration officer at the port of clearance to carry all the persons on board of such ship.

of life boats;

One of such boats shall in all cases be a long boat, and one shall be a properly fitted life boat, which shall be carried in such a manner as to be, in the opinion of the emigration officer, most available for immediate service: Each of such boats shall be of a suitable size and description, to be approved by the emigration officer at the port of clearance, and shall be seaworthy, and properly supplied with all requisites, and kept clear at all times for immediate use at sea: There shall likewise be on board each "passenger ship," if proceeding to any place to the southward of the equator, at least two chronometers, and if to any place to the northward of the equator, at least one chronometer, and on board of all "passenger ships" at least three steering and one azimuth compass, four properly fitted life buoys, kept ready at all times for immediate use, and some adequate means, to be approved by the emigration officer at the port of clearance, of making signals by night and in fogs; also a fire engine, in proper working order, and of such description and power, and either with or without such other apparatus for extinguishing fire, as such officer may approve; and not less than three bower anchors of such weight, and with cables of such length, size, and material, as in the judgment of such emigration officer shall be sufficient for the size of the ship. In case of noncompliance, with any of the requirements of this section, the master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 27.)

and of life buoys, anchors, and fire engines, &c.

Emigrant Ships.

Regulations as to carrying an efficient crew.

329*jj*. Every "passenger ship" shall be manned with an efficient crew for her intended voyage, to the satisfaction of the emigration officer from whom a clearance of such ship may be demanded, and the strength of the crew shall not be diminished, nor any of the men changed when once passed by such emigration officer, without his consent in writing, or that of the shipping master of the port of clearance, as required by the laws then in force regulating the shipping of seamen on board merchant vessels. Where the consent of the shipping master is obtained, it shall, within twenty-four hours thereafter, be lodged with such emigration officer. In case of noncompliance with any of the requirements of this section, the master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds: Provided that if the emigration officer shall consider the crew inefficient, and the owner or charterer of the ship shall thereupon appeal in writing to the said *Emigration Commissioners* [Board of Trade*] such *commissioners* [board*] shall, at the expense of the appellant, appoint two other emigration officers or two competent persons to examine into the matter, and the unanimous opinion of the persons so appointed, expressed under their hands, shall be conclusive on the point. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 28.)

Certain articles prohibited as cargo and ballast.

329*kk*. No "passenger ship" shall clear out or proceed to sea if there shall be on board as cargo, horses, cattle, gunpowder, vitrol, lucifer matches, guano, or green hides, nor if there shall be on board any other article or number of articles, whether as cargo or ballast, which by reason of the nature or quantity or mode of stowage thereof shall, either singly or collectively, be deemed by the emigration officer at the port of clearance likely to endanger the health or lives of the passengers or the safety of the ship: No part of the cargo, or of the passengers' luggage, or of the provisions, water, or stores, whether for the use of the passengers or of the crew, shall be carried on the upper deck or on the "passenger decks," unless in the opinion of such emigration officer it shall be so placed as not to impede light or ventilation, nor interfere with the comfort of the passengers; nor unless the same be stowed and secured to the satisfaction of such emigration officer, and the space occupied thereby or rendered, in the opinion of such officer, unavailable for the accommodation of the passengers, shall (unless occupied by passengers luggage) be deducted in calculating the space by which, under the provisions of this Act, the number of passengers is regulated. In case of noncompliance with any of the requirements of this section, the owner, charterer, or master, or any of them, shall for each offence be liable to a penalty not exceeding three hundred pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 29.)

Stowage of cargo, stores, and luggage to be approved by emigration officer.

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant Ships.

Horses and cattle may be carried in passenger ships, under conditions herein named.

329 *ll.* Notwithstanding the prohibition contained in the twenty-ninth section of the said "Passengers Act, 1855," horses and cattle may be carried as cargo in passenger ships, subject to the following conditions:

(1.) That the animals be not carried on any deck below the deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment, except in a ship built of iron, and of which the compartments are divided off by water-tight bulkheads extending to the upper deck:

(2.) That clear space on the spar or weather deck be left for the use and exercise of the passengers, at the rate of at least ten superficial feet for each statute adult:

(3.) That no greater number of passengers be carried than in the proportion of fifteen to every one hundred tons of the ships registered tonnage:

(4.) That in passenger ships of less than five hundred tons registered tonnage not more than two head of large cattle be carried, nor in passenger ships of larger tonnage more than one additional head of such cattle for every additional two hundred tons of the ships registered tonnage, nor more in all in any passenger ship than ten head of such cattle: The term "large cattle" shall include both sexes of horned cattle, deer, horses, and asses; four sheep of either sex, or four female goats, shall be equivalent to, and may, subject to the same conditions, be carried in lieu of one head of large cattle:

Definition of the term "large cattle."

(5.) That proper arrangements be made, to the satisfaction of the emigration officer at the port of clearance, for the housing, maintenance, and cleanliness of the animals and for the stowage of their fodder:

Dogs and pigs.

(6.) Not more than six dogs, and no pigs or male goats, shall be conveyed as cargo in any passenger ship: For any breach of this prohibition, or of any of the above conditions, the owner, charterer, and master of the ship, or any of them, shall be liable for each offence to a penalty not exceeding three hundred pounds nor less than five pounds (Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 8.)

Authority by Secretary of State to carry naval and military stores in passenger ships.

329*mm.* Any one of Her Majesty's Principal Secretaries of State may, by order under his hand, authorise the carriage as cargo in any passenger ship (subject to such conditions and directions as may be specified in the order) of naval and military stores for the public service, and such stores may, notwithstanding anything contained in the principal Act, be carried accordingly in such passenger ship.

Such order shall be addressed to the emigration officer or person performing the duties of emigration officer at the port

Emigrant Ships.

of clearance, and shall be by him countersigned, and delivered to the master of the passenger ship to which it refers, and shall be delivered up by the master to the chief officer of customs at the port where the stores are discharged.

The master shall comply with all the conditions and directions specified in the order, and non-compliance therewith shall be deemed non-compliance with the requirements of the said section twenty-nine of the principal Act. (Passengers Act Amendment Act, 1870, 33 & 34 Vict. c. 95. s. 3.)

Computation of voyages.

329*nn*. For the purposes of this Act, the length of the voyage for a "passenger ship" proceeding from the United Kingdom to the under-mentioned places respectively shall be determined by the following scale; (that is to say,)

	If the Ship be propelled by Sails alone, or by Steam Power not sufficient, without the aid of Sails, to propel the Ship after the rate of Five Statute Miles an Hour.	If the Ship be propelled either wholly or in aid of Sails by Steam Engines of not less Power than sufficient, without the aid of Sails, to propel the Ship after the rate of Five Statute Miles an Hour.
	Days.	Days.
To North America (except the West Coast thereof):—		
For ships clearing out between the sixteenth day of January and the fourteenth day of October, both days inclusive - - -	70	40
For ships clearing out between the fifteenth day of October and the seventeenth day of January, both days inclusive - - -	80	45
To the West Indies, and any part of the East Coast of Central or South America, north of the Equator - -	70	40
To any part of the East Coast of South America lying between the Equator and the twenty-fifth degree of South Latitude - - - - -	84	50
To the West Coast of Africa north of the Equator - - - -	84	50
To the Coast of Africa south of the Equator, or to the Falkland Islands, or to any part of the East Coast of South America southward of the twenty-fifth degree of South Latitude - -	105	65
To the Mauritius, and to the Western Coast of America south of the Equator	126	75
To Ceylon - - - - -	140	85
To Western Australia - - -	120	85
To any other of the Australian Colonies -	140	90
To New Zealand and to the Western Coast of America between the Equator and the fortieth degree of North Latitude - - - -	150	90
To the Western Coast of America North of the fortieth degree of North Latitude and the islands adjacent thereto -	182	96

Emigrant Ships.

For the like purposes, the said *Emigration Commissioners* [Board of Trade*] *acting by and under the authority of one of Her Majesty's Principal secretaries of state,* from time to time, by any notice in writing *issued under the hands of any two of such commissioners,* and published in the London Gazette, may nevertheless declare what shall be deemed to be the length of voyage from the United Kingdom to any of the said herein-before mentioned places, or to any other port or place whatsoever, and may fix such different lengths of voyage as they may think reasonable for such different descriptions of vessels as aforesaid. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 30.)

Before clearance, provisions and water to be surveyed.

329 *oo.* Before any "passenger ship" shall be cleared out the emigration officer at the port of clearance shall survey or cause to be surveyed by some competent person the provisions and water by this Act required to be placed on board for the consumption of the passengers, and shall satisfy himself that the same are of a good and wholesome quality, and in a sweet and good condition, and are in quantities sufficient to secure throughout the voyage the issues herein-after prescribed: In addition to the allowance of pure water for the use of each passenger there shall be shipped for cooking purposes an additional supply of pure water after the rate of at least ten gallons for every day of the prescribed length of voyage for every one hundred statute adults on board; and also for the use of the crew and all other persons on board an ample supply of wholesome provisions and pure water, which shall not be inferior in quality to the supply of the same articles provided for the consumption of the passengers: All such water, provisions, and stores shall be provided and properly stowed away in accordance with the requirements of the twenty-ninth section of this Act, by and at the expense of the owner, charterer, or master of the ship; and if a clearance be obtained for any "passenger ship" which shall not be then stored with the requisite quantities of such water, provisions, and stores as are required by this Act, the owner, charterer, or master of such ship, or any of them, shall for each offence be liable to a penalty not exceeding three hundred pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 31.)

Water for cooking.

Provisions for the crew not to be inferior to those for the passengers.

Penalty.

Power to emigration officer to reject and mark bad provisions, and direct the same to be landed, and if re-shipped parties liable to a penalty.

329 *pp.* If such emigration officer shall consider that any of the provisions or stores or water are not of a good and wholesome quality, or are not in a sweet and good condition, it shall be lawful for him to reject and mark the same, or the packages or vessels in which they are contained, and to direct the same to be landed or emptied; and if such rejected provisions or stores or water shall not thereupon be forthwith

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5., s. 329 *k. supra.*

landed or emptied, or if, after being landed, the same or any part thereof shall be reshipped in such ship, the owner, charterer, or master thereof, or any of them, or if reshipped in any other "passenger ship," the person causing the same to be reshipped, shall for each offence be liable to a penalty not exceeding one hundred pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 32.)

Emigrant Ships.

329 *qq*. In every "passenger ship" the water to be laden on board, as herein-before required, shall be carried in tanks or in casks to be approved by the emigration officer at the port of clearance. When casks are used, they shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and shall not be capable severally of containing more than three hundred gallons each: The staves of the water casks shall not be made of fir, pine, or soft wood. In case of non-compliance with any of the requirements of this section, the owner, charterer, or master of such ship, or any of them, shall for each offence be liable to a penalty not exceeding fifty pounds. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 33.)

Water tanks or casks to be approved by emigration officer.

329 *rr*. If any "passenger ship" shall be intended to call at any intermediate port or place during the voyage, for the purpose of taking in water, and if an engagement to that effect shall be inserted in the bond mentioned in the sixty-third section of this Act, then it shall be sufficient to place on board at the port of clearance such supply of water as may be requisite, according to the rate herein-after mentioned, for the voyage of the said ship to such intermediate port or place, subject to the following conditions; (that is to say,)

Provision for touching at intermediate ports to fill up water.

First, That the emigration officer signify his approval in writing of the arrangement to be carried amongst the papers of the ship, and exhibited to the chief officer of customs, or to Her Majesty's consular officer, as the case may be, at such intermediate port or place, and to be delivered to the chief officer of customs, or to Her Majesty's consular officer, as the case may be, on the arrival of the said ship at the final port or place of discharge:

Secondly, that if the length of either portion of the voyage, whether to such intermediate port or place, or from such intermediate port or place to the final port or place of discharge, be not prescribed in or under the provisions of this Act, the emigration officer at the port of clearance shall in every such case declare the same in writing to be carried amongst the papers of the ship:

Thirdly, that the ship shall have on board at the time a clearance is demanded tanks or water casks, of the description herein-before mentioned, sufficient for stowing the quantity of water required for the longest of such portions of the voyage as aforesaid. (Passengers Act. 1855, 18 & 19 Vict. c. 119. s. 34.)

Emigrant Ships.

Dietary scales of provisions.

329*ss*. The master of every "passenger ship" shall, during the voyage, including the time of detention at any place before the termination thereof, issue to each passenger, or where the passengers are divided into messes, to the head man for the time being of each mess on behalf and for the use of all the members thereof, an allowance of pure water and sweet and wholesome provisions, of good quality, according to the following dietary scale; (that is to say,) if the length of the voyage, computed as herein-before mentioned, shall not exceed eighty-four days for ships propelled by sails only, or fifty days for ships propelled by steam, or steam in aid of sails, then according to the dietary scale marked "A."; but if the length of the voyage, computed as aforesaid, shall exceed eighty-four days for ships propelled by sails only, or fifty days for ships propelled by steam, or steam in aid of sails, then according to the dietary scale marked "B."

WATER.

Three quarts of water daily to each statute adult, exclusive of the quantity herein-before specified as necessary for cooking the articles herein-after required to be issued in a cooked state.

PROVISIONS.

Weekly, per statute adult:—

	Scale A For Voyages not exceeding 84 Days for Sailing Vessels or 50 Days for Steamers.		Scale B. For Voyages exceeding 84 Days for Sailing Vessels or 50 Days for Steamers.	
	lbs.	oz.	lbs.	ozs.
Bread or biscuit, not inferior in quality to Navy biscuit	3	8	3	8
Wheaten flour	1	0	2	0
Oatmeal	1	8	1	0
Rice	1	8	0	8
Peas	1	8	1	8
Potatoes	2	0	2	0
Beef	1	4	1	4
Pork	1	0	1	0
Tea	0	2	0	2
Sugar	1	0	1	0
Salt	0	2	0	2
Mustard	0	½	0	½
Black or White Pepper, ground	0	¼	0	¼
Vinegar	One gill.		One gill.	
Lime Juice*	-	-	0	6
Preserved Meat	-	-	1	0
Suet	-	-	0	6
Raisins	-	-	0	8
Butter	-	-	0	4

* See s. 329*tt*.

SUBSTITUTIONS.

Substitutions at the following rates may, at the option of the master of any "passenger ship," be made in the above dietary scales, that is to say:—

1 lb. of preserved meat -	for	1 lb. of salt pork or beef.
1 lb. of flour or of bread or biscuit,* or ½ lb. of beef or of pork - - -	for	1½ lb. of oatmeal or 1 lb. of rice, or 1 lb. of peas.*
1 lb. of rice - - -	for	1½ lb. of oatmeal, or vice versâ.
¼ lb. of preserved potatoes -	for	1 lb. of potatoes.
10 oz. of currants - -	for	8 oz. of raisins.
3½ oz. of cocoa or of coffee, roasted and ground - -	for	2 oz. of tea.
¾ lb. of treacle - -	for	½ lb. of sugar.
1 gill of mixed pickles - -	for	1 gill of vinegar.

Provided that the substituted articles be set forth in the contract tickets of the passengers. In case of non-compliance with any of the requirements of this section, the master of the ship shall be liable for each offence to a penalty not exceeding fifty pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 35.)

Penalty on noncompliance.

329 *tt.* The requirements of the thirty-fifth section of the said "Passengers Act, 1855," that six ounces of lime juice should be issued weekly to each statute adult on voyages exceeding eighty-four days in duration for sailing vessels, or fifty days for steamers, shall be confined to the period when the ship shall be within the Tropics; during the other portions of the voyage the issue of lime juice shall be at the discretion of the medical practitioner on board; or, if there be no such practitioner on board, at the discretion of the master of the ship. (Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 9.)

Issue of lime juice confined to the Tropics.

329 *uu.* In addition to the substitutions in the dietary scales specified in the thirty-fifth section of the said "Passengers Act, 1855," soft bread baked on board may be issued, at the option of the master of any passenger ship, in lieu of the following articles, and in the following proportions; (that is to say,) one pound and a quarter of a pound of such soft bread may be issued in lieu of one pound of flour, or of one pound of biscuit, or of one pound and a quarter of a pound of oatmeal, or of one pound of rice, or of one pound of peas. (Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 10.)

Substitution of soft bread for other bread stuffs.

329 *vv.* The messes into which the passengers in any passenger ship may be divided shall not consist of more than ten statute adults in each mess, and members of the same family, whereof one at least is a male adult, shall be allowed

Size of messes.

* See s. 329*uu*.

Emigrant Ships.

Provisions to be issued daily, and articles which require cooking to be cooked

to form a separate mess. The provisions according to the above scale shall be issued, such of them as require to be cooked, in a properly cooked state, daily before two o'clock in the afternoon, to the head person for the time being of each mess on behalf and for the use of the members thereof. The first of such issues shall be made before two o'clock in the afternoon of the day of embarkation to or for such passengers as shall be then on board. In case of noncompliance with any of the requirements of this section, the master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 36.)

Power to Board of Trade to authorise an alternative dietary scale

329*ww*. The said *Emigration Commissioners* [Board of Trade*] for the time being, *acting under the authority of one of Her Majesty's principal secretaries of state*, may from time to time, by any notice for that purpose *issued under the hands of any two of such commissioners* and published in the London Gazette, authorise the issue of provisions in any "passenger ship" according to such other dietary scale (besides that herein-before prescribed) as shall in their opinion contain in the whole an equivalent amount of wholesome nutriment; and after the publication of such notice it shall be lawful for the master of any "passenger ship" to issue provisions to his passengers either according to the scale by this Act prescribed, or according to the scale authorised by the said *commissioners* [board*], whichever may have been set forth in the contract tickets of the passengers: Provided always, that the said *commissioners* [board*] *acting under such authority and* by such notice as aforesaid may revoke or alter any such dietary scale authorised by them, as occasion may require. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 37.)

Power to Board to alter dietary scale

As to passengers stewards.

329*xx*. Every "passenger ship" carrying as many as one hundred passengers shall have on board a seafaring person, who shall be rated in the ship's articles as passengers steward, and who shall be approved by the emigration officer at the port of clearance, and who shall be employed in messing and serving out the provisions to the passengers, and in assisting to maintain cleanliness, order, and good discipline among the passengers, and who shall not assist in any way in navigating or working the ship. In case of noncompliance with any of the requirements of this section, the master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 38.)

Penalty on noncompliance.

As to passenger cooks and cooking apparatus.

329*yy*. Every "passenger ship" carrying as many as one hundred passengers shall also have on board a seafaring man,

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5., s. 329*k* supra.

Emigrant Ships.

or if carrying more than three hundred "statute adults," two seafaring men, to be rated and approved as in the case of passengers stewards, who shall be employed in cooking the food of the passengers; a convenient place for cooking shall also be set apart on deck; and a sufficient cooking apparatus, properly covered in and arranged, shall be provided, to the satisfaction of the said emigration officer, together with a proper supply of fuel adequate, in his opinion, for the intended voyage. In case of non-compliance with any of the requirements of this section, the master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 39.)

Penalty on noncompliance.

329 *zz.* In every foreign "passenger ship" in which as many as one half of the passengers shall be British subjects, unless the master and officers, or not less than three of them, shall understand and speak intelligibly the English language, there shall be carried, where the number of passengers does not exceed two hundred and fifty, one person, and where it exceeds two hundred and fifty, two persons, who understand and speak intelligibly the language spoken by the master and crew and also the English language, and such persons shall act as interpreters, and be employed exclusively in attendance on the passengers, and not in the working of the ship; and no such ship shall clear out or proceed to sea without having such interpreter or interpreters on board; and the master of any such foreign ship clearing out or proceeding to sea without having such interpreter or interpreters on board as aforesaid shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 40.)

In what cases interpreters to be carried.

Penalty.

329 3*a*. Every "passenger ship" shall in the following cases carry a duly qualified medical practitioner, who shall be rated on the ship's articles:

In what cases a medical man must be carried.

First, when the duration of the intended voyage, as hereinbefore computed, exceeds eighty days in the case of ships propelled by sails, and forty-five days in the case of ships propelled by steam, and the number of passengers on board exceeds fifty:

Second, whenever the number of persons on board (including cabin passengers, officers, and crew,) exceeds three hundred:

In case of noncompliance with any of the requirements of this section, the master shall for each offence be liable to a penalty not exceeding one hundred pounds nor less than twenty pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 41.)

Penalty.

Emigrant Ships.

Qualification of medical men.

329 3*b*. No medical practitioner shall be considered to be duly qualified for the purposes of this Act unless authorised by law to practise in some part of Her Majesty's dominions, or, in the case of a foreign ship, in the country to which such ship may belong, as a physician, surgeon, or apothecary, nor unless his name shall have been notified to the emigration officer at the port of clearance, and shall not be objected to by him, nor unless he shall be provided with proper surgical instruments to the satisfaction of such officer: Provided nevertheless, that where the majority of the passengers in any "passenger ship" or as many as three hundred are foreigners, any medical practitioner who may be approved by such emigration officer may be carried therein. In case any person shall proceed or attempt to proceed as medical practitioner in any "passenger ship" without being duly qualified as aforesaid, or contrary to any of the requirements of this section, such person and all persons aiding or abetting therein shall for each offence be liable to a penalty not exceeding one hundred pounds nor less than ten pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 42.)

Penalty.

Medicines and medical comforts.

329 3*c*. The owner or charterer of every "passenger ship" shall provide for the use of the passengers a supply of medicines, medical comforts, instruments, and other things proper and necessary for diseases and accidents incident to sea voyages, and for the medical treatment of the passengers during the voyage, including an adequate supply of disinfecting fluid or agent, together with printed or written directions for the use of the same respectively; and such medicines, medical comforts, instruments, and other things shall, in the judgment of the emigration officer at the port of clearance, be good in quality, and sufficient in quantity, for the probable exigencies of the intended voyage, and shall be properly packed and placed under the charge of the medical practitioner, when there is one on board, to be used at his discretion. In case of non-compliance with any of the requirements of this section, the master of the ship shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 43.)

Penalty.

Medical inspection of passengers medicines, &c.

329 3*d*. No "passenger ship," except as herein-after provided, shall clear out or proceed to sea until some medical practitioner, to be appointed by the emigration officer at the port of clearance, shall have inspected such medicines, medical comforts, and other articles as are required to be supplied by the last preceding section, and also all the passengers and crew about to proceed in the ship, and shall have certified to the said emigration officer that the said ship contains a sufficient supply of medicines, medical comforts, disinfecting fluid or agent, instruments, and other things requisite for the medical treat-

ment of the passengers during the intended voyage, nor until such medical practitioner shall have certified and the said emigration officer shall be satisfied that none of the passengers or crew appear, by reason of any bodily or mental disease, unfit to proceed, or likely to endanger the health or safety of the other persons about to proceed in such vessel. Such medical inspection of the passengers shall take place either on board the vessel, or, at the discretion of the said emigration officer, at such convenient place on shore before embarkation as he may appoint; and the master, owner, or charterer of the ship shall pay to such emigration officer a sum at the rate of twenty shillings for every hundred persons so examined: Provided also, that in case the emigration officer on any particular occasion shall be unable to obtain the attendance of a medical practitioner, it shall be lawful for the master of any such ship to clear out and proceed to sea, on receiving from the said emigration officer written permission for the purpose. In case any "passenger ship" shall clear out or proceed to sea without having complied with all the requirements of this section, the master of such ship shall for each offence be liable to a penalty not exceeding one hundred pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 44.)

Proviso where no medical inspection can be obtained.

Penalty.

329 3*e*. If the emigration officer at any port shall be satisfied that any person on board or about to proceed in any "passenger ship" is by reason of sickness unfit to proceed, or is for that or for any other reason likely to endanger the health or safety of the other persons on board, the said emigration officer shall prohibit the embarkation of such person, or if embarked shall require him to be relanded; and if such emigration officer shall be satisfied that it is necessary, for the purification of the ship or otherwise, that all or any of the passengers or persons on board should be relanded, the said emigration officer may require the master of the ship to reland all such passengers or persons, and the master shall thereupon reland such passengers or persons, with so much of their effects and with such members of their families as cannot in the judgment of such emigration officer be properly separated from them; and in case of noncompliance with any of the requirements of this section, the master, owner, or charterer of the ship shall for each offence be liable to a penalty not exceeding two hundred pounds nor less than ten pounds; and any passenger or person embarking after such prohibition, or refusing or neglecting to leave the ship when so directed to be relanded, shall be liable to be summarily removed, and to a penalty not exceeding forty shillings for each day which he shall remain on board after the giving of such prohibition or direction. (Passengers Act. 1855. 18 & 19 Vict. c. 119. s. 45.)

Relanding of passengers on account of sickness or for purifying ships.

Penalty.

Passengers Rights.

As to return of passage money to passengers relanded on account of sickness, &c.

329 3*f*. Any passenger so relanded on account of the sickness of himself or of any member of his family who may not be re-embarked and finally sail in such ship, or any emigration officer on his behalf, shall be entitled to recover, by summary process, the whole of the moneys which may have been paid by or on account of such passenger for his passage, and that of the members of his family so relanded, from the party to whom the same may have been paid, or from the owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 46.)

Section 46. of recited Act to apply to cabin passengers, and passage money made recoverable immediately on relanding.

329 3*g*. The forty-sixth section of the said "Passengers Act, 1855," shall be applicable to cabin as well as to other passengers landed on account of sickness; and the passage money of all cabin or other passengers so landed may be recovered in the manner pointed out in the said Act, upon the delivery up of their contract tickets, and notwithstanding that the ship may not have sailed: Provided always, that in the case of cabin passengers so landed one half only of their passage money shall be recoverable. (Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 11.)

Subsistence money to be paid to passengers relanded.

329 3*h*. The master of any "passenger ship" from which the whole or any part of the passengers shall be relanded on account of any of the reasons mentioned in section 45. shall pay to each passenger so relanded (or if he shall be lodged and maintained in any hulk or establishment under the superintendence of the said *Emigration Commissioners* [Board of Trade*] then to the emigration officer at the port) subsistence money at the rate of one shilling and sixpence a day for each statute adult until he shall be re-embarked or decline or neglect to proceed, or until his passage money, if recoverable under the forty-sixth section of this Act, be returned to him. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 47.)

Return of passage money and compensation to passengers where passages not provided for them according to contract.

329 3*i*. If any person by whom or on whose behalf any contract shall have been made for a passage in any ship proceeding on any voyage to which this Act extends shall be at the place of embarkation before six o'clock in the afternoon of the day of embarkation appointed in such contract, and shall, if required, pay the stipulated passage money, or the unpaid balance thereof, and if from any cause whatever, other than his own refusal, neglect, or default, or the prohibition of an emigration officer, as herein-before mentioned, or the require-

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

ments of any Order in Council, such passenger shall not be received on board before that hour, or if from any such cause as aforesaid any passenger who shall have been received on board shall not either obtain a passage in such ship to the port at which he may have contracted to land, or, together with all the immediate members of his family who may be included in such contract, obtain a passage to the same port in some other equally eligible ship, to sail within ten days from the expiration of the said day of embarkation, and in the meantime be paid subsistence money from the time and at the rate herein-after mentioned, such passenger, or any emigration officer on his behalf, shall be entitled to recover either from the party to whom or on whose account the same may have been paid, or (in case such contract shall have been made with the owner, charterer, or master of such ship, or with any person acting on behalf or by the authority of any of them respectively,) from such owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer, all moneys which shall have been paid by or on account of such passengers for such passage, and also such further sum, not exceeding ten pounds in respect of each such passage, as shall, in the opinion of the justices of the peace who shall adjudicate on the complaint, be a reasonable compensation for the loss or inconvenience occasioned to such passenger by the loss of such passage. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 48.)

Emigrant Ships.

329 3*j*. If any ship, whether a "passenger ship" or otherwise, shall not actually put to sea, and proceed on her intended voyage before three o'clock in the afternoon of the day next after the said day of embarkation, the owner, charterer, or master of such ship, or his or their agent, or any of them, at the option of such passenger or emigration officer, shall pay to every passenger entitled to a passage (or if such passenger shall be lodged and maintained in any establishment under the superintendence of the said *Emigration Commissioners* [Board of Trade*], then to the emigration officer at the port of embarkation,) subsistence money after the rate of one shilling and sixpence for each statute adult in respect of each day of delay for the first ten days, and afterwards three shillings a day for each statute adult, until the final departure of such ship on such voyage, and the same may be recovered in manner herein-after mentioned; provided that if the passengers be maintained on board in the same manner as if the voyage had commenced, no such subsistence money shall be payable for the first two days next after the said day of

Subsistence in case of detention.

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant] Ships.

embarkation, nor if they shall be maintained shall such subsistence money be payable if the ship be unavoidably detained by wind or weather, or by any cause not attributable in the opinion of the emigration officer to the act or default of the owner, charterer, or master. (Passengers Act, 1855, 18 & 19 Vict c. 119. s. 49.)

Ships putting back to replenish provisions, &c.

329 3*k*. If any "passenger ship" shall, after clearance, be detained in port for more than seven days, or shall put into or touch at any port or place in the United Kingdom, she shall not put to sea again until there shall have been laden on board, at the expense of the owner, charterer, or master of such ship, such further supply of pure water, wholesome provisions of the requisite kinds and qualities, and medical comforts and stores, as may be necessary to make up the full quantities of those articles herein-before required to be laden on board for the intended voyage, nor until any damage she may have sustained shall have been effectually repaired, nor until the master of the said ship shall have obtained from the emigration officer or his assistant, or where there is no such officer, or in his absence, from the officer of customs at such port or place, a certificate to the same effect as the certificate herein-before required to enable the ship to be cleared out, and in case of any default herein the said master shall be liable, on conviction, as herein-after mentioned, to a penalty not exceeding one hundred pounds nor less than fifty pounds sterling: And if the master of any "passenger ship" so putting into or touching at any port or place as aforesaid shall not within twelve hours thereafter report in writing his arrival, and the cause of his putting back, and the condition of his ship, and of her stores and provisions to the emigration officer, or as the case may be, to the officer of customs at the port, and shall not produce to such officer the official or "master's list" of passengers, such master shall, for each offence, be liable to a penalty not exceeding twenty pounds, nor less than two pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119 s. 50)

Penalty on master for default.

Ships putting back to be reported to emigration officer.

Penalty on master for neglect.

In case of wreck or damage passengers to be provided with a passage by some other vessel, and maintained in the meantime.

329 3*l*. *If any "passenger ship" shall put into any port or place in the United Kingdom in a damaged state, and the master, charterer, or owner shall not give a written undertaking that the said ship shall be made sound and seaworthy, and shall within six weeks from the day of her so putting into such port or place again proceed with her passengers on her intended voyage, and if the said ship shall not accordingly be made seaworthy and proceed on her intended voyage within that period, or if any such ship shall after the commencement of her voyage be wrecked, sunk, or otherwise destroyed, or*

*shall from any cause whatsoever not land her passengers at the place where they may have respectively contracted to land, the owner, charterer, or master thereof shall provide the passengers with a passage in some other eligible ship to sail within six weeks to the port or place at which they respectively may have originally contracted to land, and shall in the meantime, if the passengers be not lodged and maintained on board in the same manner as if the ship were at sea, pay to such passengers (or if such passengers shall be lodged or maintained in any hulk or establishment under the superintendence of the said Emigration Commissioners then to the emigration officer at such port or place) subsistence money after the rate of one shilling and sixpence sterling for each statute adult in respect of each day of delay until such passengers are duly forwarded to their destination; and if default shall be made in any of the requirements of this section such passengers respectively, or any emigration officer on their behalf, shall be entitled to recover, by summary process, as herein-after mentioned, all moneys which shall have been paid by or on account of such passengers or any of them for such passage, from the party to whom or on whose account the same may have been paid, or from the owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer; provided that the said emigration officer may, if he shall think it necessary, direct that the passengers shall be removed from such "passenger ship" at the expense of the master thereof; and if after such direction any passenger shall refuse to leave such ship, he shall be liable to a penalty not exceeding forty shillings, or to imprisonment not exceeding one calendar month.** (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 51.)

Emigrant Ships.

In default, passage money to be returned.

Power to remove passengers from ship;

Penalty on passengers refusing.

329 3*m*. If any passenger ship shall be wrecked, or otherwise rendered unfit to proceed on her intended voyage, while in any port of the United Kingdom, or after the commencement of the voyage, and if the passengers, or any of them, shall be brought back to the United Kingdom, or if any passenger ship shall put into any port or place in the United Kingdom in a damaged state, the master, charterer, or owner shall, within forty-eight hours thereafter, give to the nearest emigration officer, or in the absence of such officer to the chief officer of customs, a written undertaking to the following effect; that is to say, if the ship shall have been wrecked, or rendered unfit as aforesaid to proceed on her voyage, that the owner, charterer, or master thereof shall embark and convey the passengers in some other eligible ship, to sail within six

In case of wreck or damage in or near United Kingdom, passengers to be provided with a passage by some other vessel, and maintained in the meantime.

* Repealed by 26 & 27 Vict. c. 51. s. 12.

Emigrant Ships.

weeks from the date thereof, to the port or place for which their passages respectively had been previously taken; and if the ship shall have put into port in a damaged state, then that she shall be made seaworthy and fit in all respects for her intended voyage, and shall, within six weeks from the date of such undertaking, sail again with her passengers; in either of the above cases the owner, charterer, or master shall, until the passengers proceed on their voyage, either lodge and maintain them on board in the same manner as if they were at sea, or pay to them subsistence money after the rate of one shilling and sixpence a day for each statute adult, unless the passengers shall be maintained in any hulk or establishment under the superintendence of the *Emigration Commissioners* [Board of Trade*] mentioned in the said Passengers Act, 1855, in which case the subsistence money shall be paid to the emigration officer at such port or place. If the substituted ship or damaged ship, as the case may be, shall not sail within the time prescribed as aforesaid, or if default shall be made in any of the requirements of this section, such passengers respectively, or any emigration officer on their behalf, shall be entitled to recover, by summary process, as in the said Passengers Act, 1855, is mentioned, all moneys which shall have been paid by or on account of such passengers, or any of them for such passage, from the party to whom or on whose account the same may have been paid, or from the owner, charterer, or master of such ship, or any of them, at the option of such passenger or emigration officer; provided that the said emigration officer may, if he shall think it necessary, direct that the passengers shall be removed from such damaged "passenger ship" at the expense of the master thereof; and if after such direction any passenger shall refuse to leave such ship, he shall be liable to a penalty not exceeding forty shillings, or to imprisonment not exceeding one calendar month. (Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 14.)

Power to remove passengers from damaged ship; penalty on passengers refusing.

Secretary of State, &c. may pay expenses of taking off passengers at sea.

329 *3n.* If the passengers or cabin passengers of any "passenger ship" shall be taken off from any such "passenger ship" or shall be picked up at sea from any boat, raft, or otherwise, it shall be lawful, if the port or place to which they shall be conveyed shall be in the United Kingdom, for one of Her Majesty's Principal Secretaries of State, or if in any of Her Majesty's colonial possessions, for the governor of such colony, or for any person authorised by him for the purpose, or if in any foreign country, for Her Majesty's consular officer at such port or place therein, to defray all or any part of the expenses

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

thereby incurred. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 52.)

Emigrant Ships.

329 3*o*. *If any passenger or cabin passenger of any "passenger ship" shall, without any neglect or default of his own, find himself within any colonial or foreign port or place other than that at which he may have contracted to land, it shall be lawful for the governor of such colony, or for any person authorised by him for the purpose, or for Her Majesty's consular officer at such foreign port or place, as the case may be, to forward such passenger to his intended destination, unless the master of such ship shall within forty-eight hours of the arrival of such passenger, give to the governor or consular officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter such passenger or cabin passenger to his original destination, and unless such master shall accordingly forward or carry him on within that period.** (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 53.)

Governors or consuls may send on passengers if the master of the ship fail to do so.

329 3*p*. If any passenger or cabin passenger of any passenger ship shall, without any neglect or default of his own, find himself within any colonial or foreign port or place other than that for which the ship was originally bound, or at which he or the *Emigration Commissioners* [Board of Trade†], or any public officer or other person on his behalf may have contracted that he should land, it shall be lawful for the governor of such colony, or for any person authorised by him for the purpose, or for Her Majesty's consular officer at such foreign port or place, as the case may be, to forward such passenger to his intended destination, unless the master of such ship shall, within forty-eight hours of the arrival of such passenger, give to the governor or consular officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter, such passenger or cabin passenger to his original destination, and unless such master shall accordingly forward or carry him on within that period. (Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 15.)

Governors or consuls may send on passengers if the master of the ship fail to do so.

329 3*q*. *All expenses incurred under the last two preceding sections or either of them, by or by the authority of such Secretary of State, governor, or consular officer, as aforesaid, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary bedding, provisions, and stores, shall become a debt to Her Majesty and her successors from the owner, charterer, and master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like*

Expenses incurred under the two preceding sections to be a Crown debt.

* Repealed by Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 12.
† Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant Ships.

*manner as in the case of other Crown debts; and a certificate purporting to be under the hand of any such Secretary of State, governor, or consular officer (as the case may be) stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the handwriting or of the official character of such Secretary of State, governor, or consular officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred: Provided nevertheless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received by the owner, charterer, or master of such passenger ship, or any of them, from or on account of the whole number of passengers and cabin passengers who may have embarked in such ship; which total amount of passage money shall be proved by the defendant, if he will have the advantage of this limitation of the debt; but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage under the provisions of this Act.** (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 54.)

Passengers forwarded by governor, &c. not entitled to return of passage money.

Expenses incurred under the two preceding sections to be a debt due to the Crown.

329 *3r.* All expenses incurred under the last preceding section or under the fifty-second section of "The Passengers Act, 1855," or either of them, by or by the authority of such Secretary of State, governor, or consular officer, or other person, as therein respectively mentioned, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary bedding, provisions, and stores, shall become a debt to Her Majesty and her successors from the owner, charterer, and master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts; and a certificate in the form in Schedule (A.) hereto annexed, or as near thereto as the circumstances of the case will admit, purporting to be under the hand of any such Secretary of State, governor, or consular officer (as the case may be) stating the total amount of such expenses, shall in any suit or other proceeding for the recovery of such debt be received in evidence without proof of the handwriting or of the official character of such Secretary of State, governor, or consular officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred, nor shall it be necessary to adduce on behalf of Her Majesty any other evidence in support of

* Repealed by Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 12.

the claim, but judgment shall pass for the Crown, with costs of suit, unless the defendant shall specially plead and duly prove that such certificate is false or fraudulent, or shall specially plead and prove any facts showing that such expenses were not duly incurred under the provisions of this Act, and of the said "Passengers Act, 1855," or either of them: Provided nevertheless, that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received or due to and recoverable by or on account of the owner, charterer, or master of such passenger ship, or any of them, for or in respect of the whole number of passengers and cabin passengers who may have embarked in such ship, which total amount of passage money shall be proved by the defendant, if he will have the advantage of this limitation of the debt; but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage under the provisions of the said "Passengers Act, 1855." (Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 16.)

Passengers forwarded by Governor, &c. not entitled to return of passage money.

SCHEDULE (A.)

FORM of GOVERNOR'S or CONSUL'S CERTIFICATE of EXPENDITURE in the case of Passengers shipwrecked, &c.

I hereby certify, That, acting under and in conformity with the provisions of the British "Passengers Act, 1855," and of the "Passengers Act Amendment Act, 1863," I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions, and stores (*a*), and in forwarding to their destination passengers [including cabin passengers (*b*)], who were proceeding from to in the passenger ship which was wrecked at sea, &c. (*c*).

And I further certify, for the purposes of the *tenth** section of the said "Passengers Amendment Act, 1863," that the total amount of such expenses is pounds, and that such expenses were duly incurred by me under the said Acts or one of them.

Given under my hand, this day of 18

Governor of, &c. (or as the case may be) *Her Britannic Majesty's Consul at*

(*a*) N.B.—1. If more passengers were rescued than forwarded, or if bedding, &c. was not supplied, alter the certificate to suit the facts of the case.

(*b*) N.B.—2. Omit words in brackets when necessary.

(*c*) N.B.—3. State generally the nature of the disaster and where it occurred. But if the passengers were only left behind without any default of their own, state the fact accordingly.

* *An error, it is the 16th section.*

329 3*s*. No policy of assurance effected in respect of any passages, or of any passage or compensation moneys, by any person by this Act made liable, in the events aforesaid, to provide such passages, or to pay such moneys, or in respect

Insurance of passage money not to be void on account of the nature of the risk.

Emigrant Ships.

of any other risk under this Act, shall be deemed to be invalid by reason of the nature of the risk or interest sought to be covered by such policy of assurance. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 55.)

Penalty on wrongfully landing passengers.

329 3*t*. If any passenger in any ship, whether a "passenger ship" or otherwise, shall be landed at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing shall be rendered necessary by perils of the sea, or other unavoidable accident, the master shall for each offence be liable to a penalty not exceeding fifty pounds nor less than ten pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 56)

Passengers to be maintained for 48 hours after arrival

Penalty

329 3*u*. Every passenger in a "passenger ship" shall be entitled for at least forty-eight hours next after his arrival at the end of his voyage, to sleep in the ship, and to be provided for and maintained on board thereof, in the same manner as during the voyage, unless within that period the ship shall quit such port or place in the further prosecution of her voyage. In case of noncompliance with any of the requirements of this section, the master shall for each offence be liable to a penalty not exceeding five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 57)

Passengers right of action preserved.

329 3*v*. Nothing herein contained shall take away or abridge any right of action which may accrue to any passenger in any ship, or to any other person in respect of the breach or nonperformance of any contract made or entered into between or on behalf of any such passenger or other person, and the master, charterer, or owner of any such ship, or his or their agent, or any passage broker. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s 58)

Miscellaneous.

Her Majesty may, by Orders in Council, prescribe rules for preserving order, health, &c. in vessels bound to the colonies, and in times of epidemic prohibit or check emigration.

329 3*w* It shall be lawful for Her Majesty, by any Order in Council, to prescribe such rules and regulations as to Her Majesty may seem fit, for the following purposes; (that is to say,)

1st. For preserving order, promoting health, and securing cleanliness and ventilation on board of "passenger ships" proceeding from the United Kingdom to any port or place in Her Majesty's possessions abroad.

2d. For permitting the use on board of "passenger ships" of an apparatus for distilling water, and for defining

in such case the quantity of fresh water to be carried in tanks or casks for the passengers.

Emigrant Ships.

3d. For prohibiting emigration from any port or ports at any time when choleraic or any epidemic disease may be generally prevalent in the United Kingdom or any part thereof, or for reducing the number of passengers allowed to be carried in "passenger ships," generally, or from any particular ports under the provisions of this Act.

4th. For requiring duly qualified medical practitioners to be carried in "passenger ships" in cases where they would not be required to be carried under the provisions of this Act.

Gazette and copies printed by Queen's printer to be evidence of orders, &c.

Any such Order in Council may from time to time in like manner be altered, amended, and revoked, as occasion may require. Any copy of such Order in Council contained in the London Gazette, or purporting to be printed by the Queen's printer, shall throughout Her Majesty's dominions be received in all legal proceedings as good and sufficient evidence of the making and contents of any such Order in Council. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 59.)

Surgeon or master to exact obedience to rules and regulations.

Penalty on refusal.

329 3*x*. In every such "passenger ship" the medical practitioner on board, aided by the master thereof, or, in the absence of such medical practitioner, the master of such ship, is hereby empowered to exact obedience to all rules and regulations, which may be prescribed by any such Order in Council to be observed on board passenger ships as aforesaid; and any person on board who shall neglect or refuse to obey any such rule or regulation, or who shall obstruct the medical practitioner or master of such ship in the execution of any duty imposed upon him by any such rule or regulation, or who shall offend against any of the provisions of this Act, or who shall be guilty of riotous or insubordinate conduct, shall be liable for each offence to a penalty not exceeding two pounds sterling, and, in addition thereto, to be confined in the common gaol for any period not exceeding one month, at the discretion of the justices who shall adjudicate on the complaint. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 60.)

Board of Trade to prepare an abstract of Act and Orders in Council.

329 3*y*. The said *Emigration Commissioners* [Board of Trade*] shall from time to time prepare such abstracts as they may think proper of the whole or any part of this Act, and of any such Order in Council as aforesaid; and four copies of such abstracts, together with a copy of this Act, shall, on demand, be supplied by the principal officer of customs at the

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant Ships.

Such abstract to be posted up in each ship.

port of clearance to the master of every "passenger ship" proceeding from the United Kingdom to any port or place in Her Majesty's possessions abroad; and such master shall, on request made to him, produce a copy of this Act to any passenger on board, for his perusal, and, further, shall post, previous to the embarkation of the passengers, and shall keep posted so long as any passenger shall be entitled to remain in the ship, in at least two conspicuous places between the decks on which passengers may be carried, copies of such abstracts; and such master shall be liable to a penalty not exceeding forty shillings sterling for every day during any part of which by his act or default such abstracts shall fail to be so posted; and any person displacing or defacing such abstracts so posted shall be liable to a penalty not exceeding forty shillings sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 61.)

Penalty on master for neglect;

and on person defacing abstract.

Sale of spirits prohibited on board passenger ships.

Penalty.

329 3*z*. If in any "passenger ship" any person shall during the voyage, directly or indirectly, sell or cause to be sold any spirits or strong waters to any passenger, he shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 62.)

Bond of 2,000*l.* to be given by masters of British and foreign passenger ships.

329 4*a*. Before any "passenger ship" shall clear out or proceed to sea, the master, together with the owner or charterer of the ship, or, in the event of the absence of such owner or charterer, or if the master be the owner or charterer, one other good and sufficient person, to be approved by the chief officer of customs at the port of clearance, shall enter into a joint and several bond, in the sum of two thousand pounds, to Her Majesty, her heirs and successors, according to the form contained in Schedule (C.) hereto annexed. Such bond shall not be liable to stamp duty, and shall be executed in duplicate. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 63.)

SCHEDULE (C.)

FORM of BOND to be given by the MASTER and by the OWNER or CHARTERER of a "Passenger Ship."

KNOW all men by these presents, that we,*

* Insert here the Christian and Surnames in full, with occupations and addresses of each of the two obligors.

are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the sum of *two thousand pounds*† of good and lawful money of Great Britain, to be paid to our said the heirs and successors; to which payment well and truly to be made we bind ourselves and every of us, jointly and severally for and in the whole, our heirs, executors, and administrators

[†5,000*l.* *where owner and charterer reside abroad.* 26 & 27 *Vict.* *c.* 51. *s.* 17.]

Emigrant Ships.

and every of them, firmly by these presents. Sealed with our seals. Dated this day of one thousand eight hundred and fifty .

WHEREAS by the "Passengers Act, 1855," it is amongst other things enacted, that before any "passenger ship" shall clear out or proceed to sea, the master, together with the owner or charterer of the ship, or in the absence of such owner or charterer, or if the master be the owner or charterer, one other good and sufficient person, to be approved by the chief officer of customs at the port of clearance, shall enter into a bond to Majesty, heirs and successors, in the sum of *two thousand pounds*:*

[*5,000*l.* *where owner and charterer reside abroad.*]

Now the condition of this obligation is such that if the ship whereof the above-bounden is master, bound to is in all respects seaworthy, †[and if the said ship shall call at the port of and there shall be shipped on board at such port pure water for the use of the passengers, sufficient in quantity to afford an allowance of three quarts daily to each statute adult for the period of days on the voyage from such port to the final port or place of discharge of such vessel,] and if (notwithstanding any penalty by the said Act imposed, and whether the same may have been sued for and recovered or not,) all and every the requirements of the said Passengers Act, 1855, (except such of them as relate exclusively to passage brokers and runners) and of the *Emigration Commissioners* [Board of Trade‡] acting in the manner prescribed by the said Act, and of any order passed by Her Majesty in Council relating to "passenger ships" and now in force, shall in all respects be well and truly performed §[and if the master for the time being of the said ship shall submit himself, in like manner as a British subject being the master of a British passenger ship, to the jurisdiction of the tribunals in Majesty's possessions abroad, empowered by the said Act to adjudicate on offences committed against the said Act,] and if moreover all penalties, fines, and forfeitures which the master of such ship may be adjudged to pay for or in respect of the breach or nonfulfilment of any of such requirements as aforesaid shall be well and truly paid, and if all expenses incurred by the Secretary of State or any governor or British consular officer under the provisions of this Act shall also be well and truly paid, then this obligation to be void, otherwise to remain in full force and virtue.

† The clause within brackets is to be inserted only when the ship is to call at an intermediate port to take in water as provided by s. 34. of the Act.

§ This clause to be inserted only in the case of a foreign passenger ship proceeding to any of the British colonies.

Signed, sealed, and delivered by the above-bounden and in the presence of‖

‖ Insert names and addresses in full of the witnesses.

¶ [I hereby certify, that the above bond was duly signed, sealed, and delivered according to the law of Great Britain by the said master of the said ship and by the said (*other obligor*)].

¶ Certificate to be signed by the chief officer of customs and forwarded with the bond to the colony, according to s. 64. of the Act.

(Signature) _____ { Chief officer of customs for the port of

(Date) _____ 185___.

‡ Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant Ships

Bond of 5,000*l.* to repay expenses of rescuing and forwarding shipwrecked passengers, where owners and charterers of vessel reside abroad.

329 4*b* In the case of a passenger ship, of which neither the owners nor charterers reside in the United Kingdom, the bond required to be given to the Crown by the sixty-third section of the "Passengers Act, 1855," shall be for the sum of five thousand pounds instead of two thousand pounds; and an additional condition shall be inserted in such bond to the effect that the obligors therein shall, subject to the provisions and limitations herein-before contained, be liable for and shall pay to Her Majesty and her successors, as a Crown debt, all expenses which may be incurred under the provisions herein-before and in the "Passengers Act, 1855," contained, in rescuing, maintaining, and forwarding to their destination any passengers of such ships who by reason of shipwreck or any other cause, except their own neglect or default, may not be conveyed to their intended destination by or on behalf of the owner, charterer, or master of such ship. (Passengers Act Amendment Act, 1863, 26 & 27 Vict. c. 51. s. 17.)

Counterpart of bond to be certified, and sent to the colony to which ship bound, and to be received in evidence without further proof of execution.

329 4*c*. It shall be the duty of the chief officer of customs at the port of clearance of any "passenger ship" bound to any of Her Majesty's possessions abroad, to certify on one part of such bond that it has been duly executed by the said master of such ship and the other obligor, and to forward the same by post to the colonial secretary of the colony to which such "passenger ship" may be bound; and such certificate shall, in any colonial court of judicature in which the bond may be put in suit, be deemed conclusive evidence of the due execution of the bond by the said master and the other obligor, and it shall not be necessary to prove the handwriting of the officer of customs who may have signed such certificate, nor that he was at the time of signing it chief officer of customs at the port of clearance; provided that no such bond shall be put in suit in any of Her Majesty's possessions abroad after the expiration of three calendar months next after the arrival therein of the said ship, nor in the United Kingdom after the expiration of twelve calendar months next after the return of the said ship and of the said master to the United Kingdom. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 64.)

In the absence of agreement to the contrary, the owner to be responsible in respect of default.

329 4*d*. In the absence of any agreement to the contrary, the owner shall be the party ultimately responsible, as between himself and the other persons hereby made liable in respect of any default in complying with the requirements of this Act, and that if any such last-mentioned person shall pay any moneys hereby made payable to or on behalf of any such passengers as aforesaid, the person so paying the same shall be entitled, in the absence of any such agreement as aforesaid, to sue for and recover from the owner the amount so paid, together

with costs of suit. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 65.)

Passage Brokers.

329 4*e*. No person whatever shall directly or indirectly act as a passage broker in respect of passages from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the sale or letting of passages in any ship, whether a "passenger ship" or otherwise, proceeding from the United Kingdom to any such place as aforesaid, unless such person, with two good and sufficient sureties, to be approved by the emigration officer at the port nearest to the place of business of such person, shall have previously entered into a joint and several bond, in the sum of one thousand pounds to Her Majesty, her heirs and successors, according to the form contained in Schedule (D.) hereto annexed, which bond shall be renewed on each occasion of obtaining such license as herein-after mentioned, and shall be in duplicate, without stamps, and one part thereof shall be deposited at the *office in London of the said Emigration Commissioners* [Board of Trade *], and the other part thereof with the emigration officer at the port nearest to the place of business of such person; nor unless such person shall have obtained a license, as herein-after mentioned, to let or sell passages, nor unless such license shall then be in force; and if any person shall offend in any particular against this enactment, every person so offending shall for each offence be liable to a penalty not exceeding fifty pounds nor less than twenty pounds, to be sued for and recovered as herein-after mentioned: Provided that such bond shall not be required of any person who shall be one of the sworn brokers of the city of London: Provided also, that there shall be excepted from the operation of this section the said *Emigration Commissioners* [Board of Trade *], and any persons contracting with them, or acting under their authority, and also any person acting as the agent of any passage broker in pursuance of an appointment made in the form prescribed by Schedule (I.) hereto annexed, signed by such passage broker, and countersigned by such emigration officer as aforesaid: Provided further, that the acts and defaults of any person acting under the authority or as agent of any passage broker shall, for the purposes of this Act, be deemed to be also the acts and defaults of such passage broker: Provided also, that nothing herein-before contained shall be held or construed to prevent the said emigration officer from

No person to act as a passage broker without a license.

Board of Trade and agents of passage brokers exempted from this section.

Passage brokers to be responsible for their agents.

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant Ships.

[**The words in italics appear to have crept in by mistake.*]

accepting the bond of *a guarantee society, such bond and** such guarantee society as shall have been approved by the Lords Commissioners of Her Majesty's Treasury, in lieu of the bond of two good and sufficient securities as aforesaid. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 66.)

SCHEDULE (D.)

FORM of PASSAGE BROKER'S ANNUAL BOND, with Two Sureties, to be approved by the Emigration Officer at the nearest Port.

† Insert Christian and surnames in full, with occupations and address of each of the parties.

KNOW all men by these presents, that we, *A.B.*† of *C.D.* of, *&c.* and *E.F.* of *&c.* are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid to our said the heirs and successors; to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, and administrators, and every of them, firmly by these presents. Sealed with our seals. Dated this day of one thousand eight hundred and fifty.

WHEREAS by the "Passengers Act, 1855," it is amongst other things enacted, that no person whatever, save as therein excepted, shall directly or indirectly act as a passage broker in respect of passages from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, or shall sell or let, or agree to sell or let, or be in anywise concerned in the sale or letting of passages in any ship, whether a "passenger ship" or otherwise, proceeding from the United Kingdom to any such place as aforesaid, unless such person, with two good and sufficient sureties, to be approved by the emigration officer at the port nearest the place of business of such person, shall have previously entered into a joint and several bond to Her Majesty, her heirs and successors, in the sum of one thousand pounds: and whereas the said *C.D.* and *E.F.* have been duly approved by the proper emigration officer as sureties for the said *A.B.*:

Now the condition of this obligation is such, that if the above-bounden *A.B.*, and every agent whom he may employ in his business of a passage broker, shall well and truly observe and comply with all the requirements of the said recited Act, so far as the same relate to passage brokers, and further shall well and truly pay all fines, forfeitures, and penalties, and also all sums of money, by way of subsistence money, or of return of passage money and compensation, to any passenger, or on his account, together with all costs which the above-bounden *A.B.*, or any of his agents as aforesaid, may at any time be adjudged to pay under or by virtue of any of the provisions of the said recited Act, then and in such case this obligation to be void, otherwise to remain in full force.

‡ Insert the names and addresses in full of the witnesses.

Signed, sealed, and delivered by the above-bounden *A.B.*, *C.D.*, and *E.F.*, in the presence of‡

N.B.—This bond is to be executed in duplicate, in the presence of and to be attested by an emigration officer or his assistant, or an officer of customs, or a magistrate, or a notary public. One part is to be deposited with the *Emigration Commissioners* [Board of Trade*] in London, and the other part with the emigration officer at the port nearest to the place of business of the broker. Each member of a firm or partnership who acts as a passage broker must give a separate bond with two sureties.

[The bond is exempt from stamp duty, but must be renewed annually with the license.]

Emigrant Ships.

SCHEDULE (I.)

FORM of APPOINTMENT of Passage Broker's Agent.

DIRECTIONS.

I, *A.B.* of, *&c.* (*or as the case may be*) one of the partners and on behalf of the firm of, *&c.* (*name all the partners and the style of the firm*,) carrying on the business of at , do hereby nominate and appoint you, *C.D.* of, *&c.* to act as my agent and on my behalf in the sale or letting of passages and otherwise in the business of a passage broker, according to the provisions of "The Passengers Act, 1855."

Insert in the proper places the Christian and surnames in full, with the correct addresses and designations of the constituent and agent respectively.

Signature in full_____

Place and date_____185___.

Counter signature_____ { Emigration officer at the port of_____

329 4 *f.* Any person wishing to obtain a license to act as a passage broker in respect of passages from the United Kingdom to any place out of Europe, and not being in the Mediterranean Sea, shall make application for the same to the justices at the petty sessions held for the district or place in which such person shall have his place of business; and such justices are hereby authorised (if they shall think fit) to grant a license for that purpose, according to the form in the Schedule (E.) hereunto annexed, which license shall continue in force until the thirty-first day of December in the year in which such license shall be granted, and for thirty-one days afterwards, unless sooner forfeited, as herein mentioned; and upon granting such license the justices shall cause a notice thereof according to the form in Schedule (F.) hereto annexed to be transmitted forthwith by the post to the said *Emigration Commissioners* [Board of Trade *] at their office in London: Provided always, that no such license shall be granted unless the party applying for the same shall show to the satisfaction of the justices that he has given such bond to her Majesty, her heirs and successors, as herein-before required, and has deposited one part thereof at the office in London of the said *commissioners* [board *], or is a sworn broker of the

How passage brokers licenses may be obtained.

Justices to give notice to Board of Trade of license granted.

Notice to be given to Board of Trade of intended application for licenses.

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant Ships.

city of London, and has in either case given notice to the said *commissioners* [board *] fourteen clear days at least before such application of his intention to apply for the same, which notice shall be transmitted by the post to the office in London of the said *commissioners* [board *], and shall be according to the form contained in the Schedule (G.) hereto annexed: Provided also, that any justices of the peace who shall adjudicate on any offence against this Act, or on any breach or nonperformance of any of the requirements thereof, are hereby authorised, if they shall think fit, and the offender is a passage broker, to order his license to be forfeited, and the same shall thereupon be forfeited accordingly; and the said justices making such order shall forthwith cause notice of such forfeiture, in the form contained in the Schedule (H.) hereunto annexed, to be transmitted by the post to the said *commissioners* [board *] at their office in London: In Scotland, where any person wishing to obtain such license shall make application for the same to the sheriff or steward or sheriff substitute or steward substitute, in place of to such justices of the peace as aforesaid, the forms given in the said Schedules (D.), (E.), (F.), (G) and (H.), respectively, shall still be adhered to, with such alterations as may be necessary. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 67.)

Power to justices to order licenses to be forfeited, who shall give notice of the same to Board of Trade.

As to application for licenses in Scotland.

SCHEDULE (E.)

Form of Passage Broker's License.†

‡ The Christian and surnames in full, with the address and trade or occupation of the party applying for the license, must be correctly inserted. If a member of a firm, the Christian and surnames of all the members must be given

A.B.‡ of in the having shown to the satisfaction of me (*or* us) the undersigned, that he hath given bond to Majesty, as by the "Passengers Act, 1855," required, and also given fourteen days previous notice to the *Emigration Commissioners* [Board of Trade *] of his intention to make application for a license to carry on the business of a passage broker in respect of passages from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, I (*or* we), the undersigned, having had no sufficient cause shown to me (*or* us), and seeing no valid reason why the said *A.B.* should not receive such license, do hereby license and authorise the said *A.B.* to carry on the business of a passage broker as aforesaid until the end of the present year, and thirty-one days afterwards, unless this license shall be sooner determined by forfeiture for misconduct on the part of the said *A.B.* as in the "Passengers Act, 1855," is provided.

Given under my hand and seal (*or* our respective hands and seals), this day of 185
at

Signature_____ (L.S.) { Justices of the peace, police, *or* stipendiary magistrate, *or* sheriff, *or* steward, *or* sheriff *or* steward substitute, *as the case may be.*

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73 s. 5.

† N B.—Each member of a firm or partnership who acts as a passage broker must have a separate license.

SCHEDULE (F.)

FORM of NOTICE to be given to the *Emigration Commissioners* [Board of Trade‡] by Justices granting a License.

Gentlemen,

THIS is to give you notice, That we (*or* I), the undersigned, did on the day of 185 license *A.B.* of* to carry on the business of a passage broker under the provisions of the "Passengers Act, 1855."

Signatures _____ { Justices of the peace, *or as the case may be.*
_____

Place _____

Date _____

To the *Emigration Commissioners*, [Board of Trade‡], London.

* Insert the Christian and surnames in full, with the address and occupation of the party.

SCHEDULE (G.)

FORM of NOTICE to be given to the *Emigration Commissioners* [Board of Trade‡] by any Applicant for a Passage Broker's License.

Gentlemen,

I, *A.B.** of in do hereby give you notice, That it is my intention to apply, after the expiration of fourteen clear days from the putting of this notice into the post, to the justices to be assembled in petty sessions to be held† (*or* to the police *or* stipendiary magistrate for the city *or* borough *or* district of *or* if in Scotland to the sheriff *or* steward of *as the case may be*), for a license to carry on the business of a passage broker, under the provisions of "The Passengers Act, 1855."

Signature _____

Date _____

To the *Emigration Commissioners* [Board of Trade‡], London.

* The Christian names and surname in full, with the address and trade or occupation of the party applying for a license, must be here correctly inserted.

† The place or district in which the party giving the notice has his place of business.

SCHEDULE (H.)

FORM of NOTICE to be given by the Justices to the *Emigration Commissioners* [Board of Trade‡] of Forfeiture of a Passage Broker's License.

Gentlemen,

THIS is to give you notice, That the license granted on the day of 185 to *A.B.** of in to act as a passage broker, was on the

* The Christian and surnames in full, with the address and trade or occupation of the party, to be here inserted.

‡ Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant Ships.

day of now last past duly declared by me (*or* us) the undersigned justices of the peace in petty sessions assembled, to be forfeited.*

* Here state generally the reason of forfeiture.

Signatures _____

_____

Place and date _____, _____ 185

To the *Emigration Commissioners* [Board of Trade†], London.

Existing licenses to continue in force until 1st Feb. 1856.

329 4*g*. Every passenger broker's license in force at the commencement of this Act shall, unless adjudged to be forfeited, continue in force until the first day of February one thousand eight hundred and fifty-six, but no longer; and all acts done under such license while in force shall be as valid as if done under any license granted under this Act. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 68.)

Passage brokers to employ no agents except those expressly appointed by them.

Agents to produce their appointments on demand.

329 4*h*. No passage broker shall employ as an agent in his business of passage broker any person not holding from him the appointment of agent as herein-before mentioned; and every person holding such appointment shall produce the same, on the demand of any emigration officer, or of any person treating for a passage under this Act: For any breach or violation of this enactment in any particular, the offender shall be liable for each offence to a penalty not exceeding fifty pounds nor less than twenty pounds. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 69.)

Penalty on persons fraudulently inducing others to engage passages.

329 4*i*. If any person shall by false representation as to the size of a ship or otherwise, or by any false pretence or fraud whatsoever induce any person to engage a passage in any ship, the person so offending shall for each offence be liable to a penalty not exceeding twenty pounds nor less than five pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 70.)

Contract tickets for cabin and other passengers.

329 4*j*. Every person whatever, except the said *Emigration Commissioners* [Board of Trade†] and persons acting for them and under their direct authority who shall receive money from any person for or in respect of a passage in any ship, or of a cabin passage in any "passenger ship" proceeding from the United Kingdom to any place out of Europe and not being within the Mediterranean Sea, shall give to the person paying such money a contract ticket, signed by the owner, charterer, or master of the ship or "passenger ship" (as the case may be) in which the passage is to be provided, or by some person in their or his name, and on their or his behalf: such contract ticket shall be made out in plain and legible characters on a printed form, which in the case of cabin passengers shall be according to the form contained in Schedule

† Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant Ships.

(K.) hereto annexed, and in the case of all other passengers in the form contained in Schedule (L.) hereto annexed, or according to such other form as in either case may from time to time be prescribed by the said *Emigration Commissioners* [Board of Trade*] in any notice issued under their hands, or the hands of any two of them, and published in the London Gazette: and any directions contained on the face of such form of contract ticket shall be obeyed in the same manner as if herein set forth. In case of non-compliance with any of the requirements of this section or of any of the directions on such form of contract ticket not inconsistent with this Act, the person so offending shall for each offence be liable to a penalty not exceeding fifty pounds nor less than five pounds sterling: Provided always, that such contract tickets shall not be liable to any stamp duty. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 71.)

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

SCHEDULE (K.)

COUNTERPART OF CABIN PASSENGER'S CONTRACT TICKET.

This counterpart is to be produced by the owner, charterer, or master of the ship to the emigration officer at the port of embarkation (or, if no such officer, to the officer of customs), or to any one appointed by him to receive it, under a penalty for default not exceeding £10.

These directions form part of, and must appear on, each contract ticket.

1. A contract ticket in this form must be given to every cabin passenger engaging a passage in a "passenger ship" from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, under a penalty not exceeding £50.

2. Unless the passengers are to have a free table, the victualling scale for the voyage must be appended to the contract ticket.

3. All the blanks must be correctly and legibly filled in and the ticket must be legibly signed with the Christian names and surname and address in full of the party issuing the same.

4. The day of the month on which the ship is to sail must be inserted in words and not in figures only.

5. When once issued, this ticket must not be withdrawn from the passenger, nor any alteration or erasure made in it, unless with his consent.

Ship_____of_____tons register, to sail from_____for_____ on the_____day of_____185 .

Names.	No. of Persons.	
	Adults above 12 Years.	Children 12 Years and under.
Total No. of Persons		

In consideration of the sum of £_____ I hereby agree with the person named in the margin hereof that such person shall be provided with_____class cabin passage in the above-named ship, to sail from the port of _____for the port of _____in _____ with not less than_____cubical feet of luggage for each person, and that such person shall be victualled as_____class cabin passenger during the voyage, and the time of detention at any place before its termination; and I further engage to land the person aforesaid, with_____luggage, at the last-mentioned port, free of any charge beyond the passage money aforesaid; and I hereby acknowledge to have received the sum of £_____ in {full / part} payment of such passage money.

Signature in full_____

Place and date_____

[If signed by a broker or agent, state on whose behalf.]

Deposit £_____

Balance £_____to be paid at_____.

Total £_____.

N.B.—This contract ticket is exempt from stamp duty.

SCHEDULE (K.)—*continued.*

Cabin Passenger's Contract Ticket.

These directions, and the "Notices to Passengers" below, form part of, and must appear on, each contract ticket.

1. A contract ticket in this form must be given to every cabin passenger engaging a passage in a "passenger ship" from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea, under a penalty not exceeding £50.

2. Unless the passengers are to have a free table, the victualling scale for the voyage must be appended to the contract ticket.

3. All the blanks must be correctly and legibly filled in, and the ticket must be legibly signed with the Christian names and surname and address in full of the party issuing the same.

4. The day of the month on which the ship is to sail must be inserted in words and not in figures only.

5. When once issued this ticket must not be withdrawn from the passenger, nor any alteration or erasure made in it, unless with his consent.

Ship _____ of _____ tons register, to sail from _____ for _____ on the _____ day of _____ 185 .

Names.	No. of Persons.	
	Adults above 12 Years.	Children 12 Years and under.
Total No. of Persons		

In consideration of the sum of £_____ I hereby agree with the person named in the margin hereof that such person shall be provided with _____ class cabin passage in the above-named ship, to sail from the port of _____ for the port of _____ in _____ with not less than _____ cubical feet of luggage for each person, and that such person shall be victualled as _____ class cabin passenger during the voyage, and the time of detention at any place before its termination; and I further engage to land the person aforesaid, with _____ luggage, at the last-mentioned port, free of any charge beyond the passage money aforesaid; and I hereby acknowledge to have received the sum of £ _____ in {full / part} payment of such passage money.

Signature in full _____

Place and date _____

[If signed by a broker or agent, state on whose behalf.]

Deposit £ _____

Balance £ _____ to be paid at _____.

Total £ _____

Notice to Cabin Passengers.

1. If cabin passengers, through no default of their own, fail to obtain a passage in the ship, and on the day named in this contract ticket, they may obtain redress for breach of contract by summary process under the 73rd section of the "Passengers Act, 1855."

2. Cabin passengers must produce, on demand, their contract tickets to the Government emigration officer, under a penalty not exceeding £10. This ticket should therefore be preserved and kept in readiness to be produced on board the ship.

N.B.—This contract ticket is exempt from stamp duty

SCHEDULE (L.)

Ship_____

Counterpart of passenger's contract ticket.

THIS part of the contract ticket is to be separated from the other, and to be delivered by the passenger to the emigration officer at the port of embarkation, (or, if no such officer, to the officer of customs,) or to any one appointed by him to receive it, under a penalty not exceeding £10.

CONTRACT TICKET.

I engage that the persons mentioned below shall be provided with a steerage passage to_____, and be landed at the port of _____in _____in the ship _____ of _____tons, with not less than ten cubic feet for luggage for each statute adult, and shall be victualled during the whole voyage according to the dietary scale prescribed by law. The ship to receive her passengers at_____on the _____day of_____185___. Passage money, including Government dues, if any, and all charges of landing £ _____.

NAMES.	Ages.

_____ Souls, equal to * _____ Statute adults.

To be signed in full by the party issuing the Ticket. } _____

* Insert number of souls and of statute adults respectively.

PASSENGER'S CONTRACT TICKET.

These directions, and the "Notices to Passengers" below form part of, and must appear on, each contract ticket.

1. A contract ticket in this form must be given to every passenger engaging a passage from the United Kingdom to any place out of Europe, and not being within the Mediterranean Sea.
2. The victualling scale for the voyage must be printed in the body of the ticket.
3. All the blanks must be correctly filled in, and the ticket must be legibly signed with the Christian names and surname and address in full of the party issuing the same.
4. The day of the month on which the passengers are to embark must be inserted in words and not in figures.
5. When once issued, this ticket must not be withdrawn from the passenger, nor any alteration, addition, or erasure made in it.

Ship_____of_____tons register, to take in passengers at_____ for_____on the_____day of_____185___.

NAMES.	Ages.	Equal to Statute Adults.

I engage that the person named in the margin hereof shall be provided with a steerage passage to, and shall be landed at the port of_____in_____in the ship _____ with not less than ten cubic feet for luggage for each statute adult, and shall be victualled during the voyage and the time of detention at any place before its termination, according to the subjoined scale, for the sum of £ _____ including Government dues before embarkation, and head money, if any, at the place of landing, and every other charge, except freight for excess of luggage beyond the quantity above specified, and I hereby acknowledge to have received the sum of £ _____ in { full / part } payment.

The following quantities, at least, of water and provisions (to be issued daily) will be supplied by the master of the ship, as required by law; viz., to each statute adult 3 quarts of water daily, exclusive of what is necessary for cooking the articles required by the Passengers Act to be issued in a cooked state; and a weekly allowance of provisions according to the following scale:

[Here insert the victualling scale intended to be used on the voyage. This must be either the scale prescribed in the 35th section of the Passengers Act, 1855, or that scale modified by the introduction of articles authorised by the Act to be substituted for oatmeal, rice, and potatoes.]

[N.B.—If mess utensils and bedding are to be provided by the ship, the stipulation must be inserted here.]

Signature in full_____

Place and date_____

[If signed by a broker or agent, state on whose behalf.]

Deposit £_____

Balance £_____ to be paid at_____

Total £_____

NOTICES TO PASSENGERS.

1. If passengers, through no default of their own, are not received on board on the day named in their contract tickets, or fail to obtain a passage in the ship, they should apply to the Government emigration officer at the port, who will assist them in obtaining redress under the Passengers Act.
2. Passengers should carefully keep this part of their contract ticket till after the end of the voyage.

N.B.—This contract ticket is exempt from stamp duty.

329 4*k*. Any person who shall alter or cause to be altered after it is once issued, or shall induce any person to part with, render useless, or destroy any such contract ticket during the continuance of the contract which it is intended to evidence (except in the case of cabin passengers who may have consented thereto), shall be liable in each case to a penalty not exceeding twenty pounds sterling. (Passengers Act, 1855, 18 & 19 Vict c. 119. s 72)

Penalty for inducing any one to part with contract ticket.

329 4*l* Any question which may arise respecting the breach or nonperformance of any of the stipulations in any such contract ticket may, at the option of any passenger or cabin passenger interested therein, be heard and determined in a summary way by the justices of the peace, magistrates, sheriffs, or other officers herein-after authorised to adjudicate on offences and complaints under the Act, who are hereby authorised to try such questions, and if they shall find that a breach of contract has been committed, to award to the complainant such damages and costs as they may think fit, not exceeding in any case the amount of the passage money specified in such contract ticket and twenty pounds; and if such damages and costs be not at once paid, payment thereof shall thereupon be enforced, in the same manner and by the same processes as the payment of subsistence money, or the return of passage money, may be enforced under this Act, provided that if any passenger shall have obtained compensation or redress, under any of the other provisions of this Act, he shall not be entitled to sue under this section for damages for the same matter or cause of complaint. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 73.)

Summary remedy for breach of contract

329 4*m*. If any cabin or other passenger shall, on demand of any emigration officer, refuse or omit to produce his contract ticket, or if any owner, charterer, or master of a ship shall on like demand refuse or omit to produce to any emigration officer in the United Kingdom the counterpart of any contract ticket issued by them or on their behalf, for the inspection of such emigration officer, and for the purposes of this Act, every person so offending against the requirements of this section shall for each offence be liable summarily to a penalty not exceeding ten pounds. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 74)

Penalty on cabin passengers and on masters, &c omitting to produce contract tickets

329 4*n*. Any person who shall act as an "emigrant runner" without having previously been licensed and registered as herein-after mentioned, or who while so acting shall omit to wear conspicuously on his breast such badge as herein-after mentioned, or who shall employ as an "emigrant runner" any person not duly licensed and registered, shall for each offence be liable to a penalty not exceeding five pounds nor less than

Penalty on persons acting as runners without license and badge, and on passage brokers employing them.

Emigrant Ships.

twenty shillings. (Passengers Act, 1855, 18 & 19 Vict. c 119. s. 75.)

Mode of licensing and registering runners.

329 4*o*. The justices of the peace at any petty sessions held for the district or place within which any person wishing to act as an "emigrant runner" is to carry on his business may, upon the recommendation in writing of an emigration officer or of the chief constable or other head officer of police of such district or place (but not otherwise), grant, if they shall think fit, to such person wishing to act as runner a license for that purpose according to the form in Schedule (M.) hereto annexed, and such runner shall within forty-eight hours thereafter (under a penalty not exceeding forty shillings for any default) lodge such license with the nearest emigration officer, who shall register the name and abode of such runner in a book to be kept for that purpose, and shall number each name registered in arithmetical progression, and shall supply to such runner, on his paying a sum not exceeding seven shillings for the same, a badge of such form and description as shall be approved by the said *Emigration Commissioners* [Board of Trade*]. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 76.)

SCHEDULE (M.)

Form of Emigrant Runner's Annual License.

(a) The Christian and surnames in full, with the address of the party applying for the license, must be here correctly inserted.

(b) City, town, or district in which the emigrant runner is to carry on his business.

A.B. (a) of in the having made application in writing to us, the undersigned justices of the peace assembled in petty sessions for the (b) of to grant to him a license to enable him to be registered as an emigrant runner in and for (b) , and the said [*A.B.*] having also been recommended as a proper person to receive such license by an emigration officer, *or* by the chief constable [*or other head officer of police, as the case may be*] of [*the district, town, or place in which the said A.B. is to carry on his business*]: We, the under-mentioned justices, having no sufficient cause shown to us, and seeing of ourselves no valid reason why the said *A.B.* should not receive such license, do hereby grant to him this license for the purposes aforesaid, subject nevertheless to be revoked for misconduct on the part of the said *A.B.*, as in the "Passengers Act, 1855," is provided.

Emigrant runner's license to be renewed annually.

329 4*p*. Every such "emigrant runner's" license shall continue in force until the thirty-first day of December in the year in which it shall be granted, unless sooner revoked by any justice of the peace for any offence against this Act or for any other misconduct committed by the holder of such license. In case of any renewed license it shall be sufficient for the emigration officer to note the fact, and the date of the

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

renewal, in his registry book against the original entry therein of the name of the runner holding such renewed license. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 77.)

Penalty on runner for certain acts of misconduct.

329 4*q*. If any "emigrant runner" shall refuse or fail to produce, on demand, his badge for inspection, or to permit any person to take the number thereof, or if he shall fail within forty-eight hours to give to the emigration officer of the port or place within which he is licensed to act notice in writing of any change in his place of abode, in order that his new abode may be registered, or of the loss of his badge, or if he shall mutilate or deface his badge or wear the same while unlicensed, or wear any other than the one delivered to him by such emigration officer as aforesaid, or permit any other person to use his badge, he shall for each such offence be liable to a penalty not exceeding forty shillings and to the forfeiture of his license, if the convicting justices or magistrate shall so determine; and any person retaining or using any "emigrant runner's" badge not issued to him under the provisions of this Act, or counterfeiting or forging any such badge, shall for each such offence be liable to a penalty not exceeding five pounds. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 78.)

Penalty on persons using badges not lawfully issued to them.

How fresh badges may be obtained in case the old ones are lost or mutilated.

329 4*r*. Such emigration officer as last aforesaid may, if he thinks fit, on payment to him of the sum of five shillings, deliver a new badge to any licensed "emigrant runner" who shall satisfy such officer that he has lost his original badge, or who shall deliver up the same in a mutilated or defaced state. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 79.)

Runners not entitled to commission from any passage broker, unless acting with his authority, nor from emigrants for procuring their passage.

329 4*s*. No "emigrant runner" shall be entitled to recover from any passage broker any fee, commission, or reward for or in consideration of any service connected with emigration, unless he shall be acting under the written authority of such passage broker, nor, under a penalty for each offence not exceeding five pounds, shall take or demand from any person about to emigrate any fee or reward for the procuring of his passage, or in any way relating thereto. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 80.)

List of runners to be exhibited by brokers, and sent to emigration officers.

329 4*t*. Every passage broker shall exhibit and keep constantly exhibited in some conspicuous place in his office or place of business a correct list, in plain and legible characters, containing the names and addresses in full of every person for the time being holding such authority to act as his agent or as an emigrant runner for him as aforesaid, and shall on or before the fifth day, or if that day be a Sunday, on or before the fourth day in every month, transmit a true copy of such list, duly signed by him, to the emigration officer stationed nearest to the place of business of such licensed passage broker, and shall report to such emigration officer every discharge or

Emigrant Ships.

fresh engagement of an agent or of an "emigrant runner" within twenty-four hours of the same taking place. In case of noncompliance with any of the requirements of this section, the person so offending shall be liable for each offence to penalty not exceeding five pounds nor less than two pounds. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 81.)

Trustees of docks may pass byelaws for regulating the landing and embarkation of intending emigrants, and for licensing emigrant porters.

329 4*u*. It shall be lawful for the trustees or other persons charged with the management of any docks or basins in any port within the United Kingdom from which "passenger ships" are despatched to make, and from time to time to alter, amend, or repeal, such rules and byelaws as may be necessary for prescribing the docks, basins, or other places at which persons arriving by sea at such ports for the purpose of emigrating, or actually emigrating therefrom, shall be landed and embarked, and the mode of their landing and embarkation, and for licensing porters to carry their luggage and otherwise to attend upon them, and for the storing and safe custody of their luggage, and for admitting persons to and excluding persons from access to such docks or basins, and for attaching a penalty not exceeding five pounds for the breach of any of such rules or byelaws, such penalty to be sued for and recovered as other penalties are by this Act directed to be recovered, except that instead of an emigration officer such trustees or other persons as aforesaid shall sue for and recover the same: And it shall further be lawful for such trustees, by their officers or servants, or by any police officer, to arrest and detain any person charged with the breach of any such rule or byelaw until brought before any justice of the peace, who is hereby authorised to adjudicate on the offence in a summary way: Provided that no such rules or byelaws shall take effect until they shall have been approved by one of Her Majesty's Principal Secretaries of State, and published by his authority in the London Gazette, which publication shall for all purposes be deemed conclusive evidence of such rules and byelaws, and of the approval thereof by such Secretary of State. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 82.)

Byelaws to be approved by Secretary of State, and published in the London Gazette.

Penalty for falsifying documents to obtain passages, and for personation

329 4*v*. And whereas the said *Emigration Commissioners* [Board of Trade*] and persons acting under their authority issue from time to time certain forms of application and other papers for the use of persons desirous of emigrating by their assistance: And whereas it is expedient to afford additional security against the falsification or misuse of such forms and papers, and of any certificate of marriage or of birth or baptism, or other document or statement adduced in support of any application to the said *commissioners* [board*] for such assistance: Be it therefore enacted, that if any person shall falsely represent himself to be or falsely assume to act as the agent of

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

the said *commissioners* [board*], or shall sell any such form of application, paper, or embarkation order, or shall wilfully make any false representation in any such form of application, paper, certificate, or document as aforesaid, or shall forge or fraudulently alter any signature or statement contained therein respectively, or shall personate any person named therein respectively, or shall aid or in any way abet any person in any such false representation, forgery, alteration, or personation, the person so offending shall be liable for each such offence to a penalty not exceeding fifty pounds nor less than two pounds sterling. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 83.)

Extension of penalties for offences connected with applications for assistance in emigration.

329 *4w.* The provisions contained in the eighty-third section of the Passengers Act, 1855, shall extend to any forms of application or other papers issued by or under the authority of one of Her Majesty's Principal Secretaries of State, for the use of persons desirous of emigrating by his assistance, and to any certificate, document, or statement adduced in support of any application to such secretary for such assistance. (Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 6.)

Procedure for Penalties, &c.

By whom penalties are to be recovered.

329 *4x.* All penalties and forfeitures imposed by this Act shall be sued for in the United Kingdom by any emigration officer or his assistant, or by any person authorised thereto by the said *Emigration Commissioners* [Board of Trade*] under the hands of any two of them, or by any collector or comptroller of Her Majesty's customs, or by any other officer of Her Majesty's customs authorised thereto in writing by the Commissioners of Her Majesty's Customs, and in any of Her Majesty's possessions abroad by any government emigration officer or agent, or by any such collector or comptroller of customs, or other officer of customs so authorised as aforesaid, or by any officer authorised to sue for penalties and forfeitures under this Act by writing under the hand and seal of the governor of any such possession; and the said *Emigration Commissioners* [Board of Trade*], and the Commissioners of Her Majesty's Customs, and every such governor, are hereby respectively empowered to grant such authority as aforesaid; And all sums of money made recoverable by this Act as return of passage money, subsistence money, damages, or compensation may be sued for and recovered by and for the use of any passenger entitled thereto under this Act, or by any such officer as aforesaid, for and on behalf and to the use of any such passenger or any number of such passengers respectively, and in any case either by one or several informations or complaints. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 84.)

By whom passage, subsistence, and compensation moneys may be recovered.

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

Emigrant Ships

Tribunal for adjudicating on offences and complaints under this Act.

329 4*y* All penalties imposed and all sums of money made recoverable under this Act, by way of passage money, subsistence money, compensation, or damages for the breach of any stipulation in any contract ticket, shall and may be sued for and recovered before any two or more justices of the peace acting in any part of Her Majesty's dominions or possessions in which the offence shall have been committed or the cause of complaint shall have arisen, or in which the offender or party complained against shall happen to be, or acting in any county or borough, or place adjacent to any navigable river or inlet of the sea on which such offence shall have been committed or cause of complaint have arisen; and upon information or complaint made before any one justice of the peace acting as aforesaid, he shall issue a summons, according to the form in the Schedule (N) hereto annexed, requiring the party offending or complained against to appear at a time and place to be named therein; and every such summons shall be served on the party offending or complained against, or shall be left at his last known place of abode or of business, or on board any ship to which he may belong; and if such party shall not appear accordingly, then (upon proof of the due service of the summons by delivering the summons or a copy thereof to the party, or at his last known place of abode or business, or on board any ship to which he may belong, to the person in charge of any such ship), any two of such justices so acting as aforesaid may either hear and determine the case in the absence of the party, or either of them may issue his warrant for apprehending and bringing such party before them or any two justices so acting as aforesaid, or the justice before whom the charge shall be made, if he shall have reason to suspect, from information upon oath, that the party is likely to abscond, may issue such warrant in the first instance, without any previous summons; and either upon the appearance of the party offending or complained against, or in his absence as aforesaid, any two of such justices so acting as aforesaid may hear and determine the case, either with or without any written information or complaint; and upon proof of the offence or of the complainant's claim (as the case may be), either by confession of the party offending or complained against, or upon the oath of one or more credible witness or witnesses (and the justices are hereby authorised to summon and swear any witnesses who may be deemed necessary), it shall be lawful for such justices so acting as aforesaid to convict the offender, or to adjudicate upon the complaint (such conviction or adjudication to be drawn up according to one of the forms of conviction or adjudication contained in Schedule (O) hereto annexed, or as near thereto as the circumstances of the case will admit), and upon every such conviction to order the offender to pay such penalty as they may think proper, not exceeding the penalties herein-before imposed, and upon

every such adjudication to order the party complained against to pay to the party suing for the same the sum of money or damages sued for, or so much thereof as such justices shall think the complainant justly entitled to, together with, in every case, the costs of the proceedings; and if the moneys and costs mentioned in such conviction or adjudication be not paid immediately or within the time limited in the order, it shall be lawful for any two of such justices so acting as aforesaid, by warrant (and although the written order of conviction or adjudication, or any minute thereof, may not have been served), to cause the party offending to be committed to gaol, there to be imprisoned, with or without hard labour, according to the discretion of such justices, for any term not exceeding three calendar months, unless such moneys and costs be sooner paid and satisfied: Provided always, that in all proceedings taken under this Act for which no form is herein expressly provided it shall be lawful to use forms similar, as nearly as circumstances will admit, to those contained in the schedule to an Act passed in the session of Parliament holden in the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 85.)

Proviso where no forms of proceeding are prescribed by this Act.

SCHEDULE (N.)

Form of Summons for a Defendant or a Witness.

A.B. Complainant.
C.D. Defendant.

County, *or* ity, *or* borough, *or* police district of (*as the case may be*).

This is to command you to appear without fail on the day of instant (*or* next) at o'clock in the noon at before me, or other the magistrate or justices of the peace then and there present (1) [to answer the complaint of (an emigration officer, *or* assistant emigration officer, *or* officer of customs, *or in the colonies*, a government emigration *or* immigration agent, *as the case may be*), for a breach of the section (*or* sections, *as the case may be*,) of the Passengers Act, 1855,] (2) [*or* to give evidence in the complaint of *A.B.* against *C.D.* for breach of the Passengers Act, 1855].

(1) Insert this when the defendant is summoned.

(2) Insert this in case a witness is summoned.

Signed _____ { Justice of the peace, *or* police *or* stipendiary magistrate, *or* sheriff, *or* steward, *or* sheriff substitute, *or* steward substitute, *as the case may be.*

Dated this day of one thousand eight hundred and

To _____

Emigrant Ships.

SCHEDULE (O.)

FORM of CONVICTION and ORDER of ADJUDICATION under the Passengers Act, 1855, when the DEFENDANT appears.

A.B. Complainant.
C.D. Defendant.

County, *or* city, *or* borough, or police district, *or* stewartry of (*as the case may be*).

BE it remembered, that on the day of instant, *C.D.* of personally came before me (*or* us, *as the case may be*), at to answer the complaint of *A.B.* (1) for a breach of the section (*or* sections, *as the case may be*), of the Passengers Act, 1855, in that, *&c.* (2) *or* (*as the case may be,*) for a breach of the contract contained in a certain contract ticket, dated , and issued by to for a passage to in the ship

Whereupon I (*or* we) did proceed to examine into the complaint so made against the said *C.D.*, and the same having been (admitted to be true by the said *C.D.*, *or as the case may be,*) fully proved to my (*or* our) satisfaction by the testimony on oath of *E.F.* (3) a credible witness (*or* witnesses), I (*or* we) (4) [do convict him the said *C.D.* of the offence (*or* offences) aforesaid; and I (*or* we)] do adjudge and order that he shall pay to the said *A.B.* as such (emigration officer, *or* government emigration agent, *or* officer of customs, *or* passenger of the ship , *as the case may be,*) the sum of *l.* by way of penalty (*or* by way of subsistence money, *or* of return of passage money, *or* as damages for breach of such contract as aforesaid, *as the case may be,*) [(5) and shall also pay to the said *A.B.* the further sum of *l.* as compensation for the loss and inconvenience occasioned to (6) by the loss of passage in the ship].

(7) [And I (*or* we) do also adjudge and order that the license granted to the said *C.D.* to act as a passage broker be forfeited].

(8) [And I (*or* we) do hereby also adjudge and order that the sum of *l.* being a part not exceeding one moiety of the said penalty of *l.*, be applied to compensate (9) for the wrong or damage which he (she *or* they) has (*or* have) sustained in this matter.

And I (*or* we) do further adjudge and order that the said *C.D.* shall forthwith pay to the said *A.B.* the further sum of *l.* for the costs and charges by him the said *A.B.* incurred in the prosecution of this matter.

Given under my hand and seal (*or* our hands and seal), this day of one thousand eight hundred and .

Signature _____ { Justice of the peace, police *or* stipendiary magistrate, *or* sheriff, *or* steward, *or* sheriff *or* stewards substitute, *as the case may be*, for _____ (10)

(1) State whether emigration officer, or officer of customs, or government emigration agent, or passenger of the ship —— as the case may be.

(2) Here describe briefly and in general terms the requirement (or requirements) of the Act which has not been fulfilled.

(3) Name the witness, or witnesses, if more than one.

(4) Omit these words where there is no conviction but only an order of adjudication.

(5) Insert this in cases where compensation is awarded.

(6) Name the passenger or passengers by or on whose behalf the compensation is awarded.

(7) Insert this where the offender is a passage broker, and his license is declared forfeited.

(8) Insert this where compensation out of the penalty is awarded to any aggrieved passenger.

(9) Name the passenger or passengers.

(10) State county or district, &c., as the case may be.

FORM of CONVICTION and ORDER of ADJUDICATION where the DEFENDANT does not appear.

A.B. Complainant.
C.D. Defendant.

County, *or* city, *or* borough, *or* police district, *or* stewartry of , *as the case may be.*

BE it remembered, that *C.D.* of being duly summoned to answer the complaint of *A.B.* (1) for a breach of the section (*or* sections) of the Passengers Act, 1855, in that, *&c.* (2) *or* (*as the case may be*), for a breach of the contract contained in a certain contract ticket, dated and issued by to for a passage to in the ship , did not appear before me (*or* us), pursuant to the said summons. Nevertheless, I (*or* we) did proceed to examine into the complaint so preferred against the said *C.D.*, and the same having been duly proved to my (*or* our) satisfaction by the testimony on oath of *E.F.* (3) a credible witness (*or* witnesses), I (*or* we) do, *&c.* (*proceed as in preceding form of conviction according to the circumstances of the case.*)

(1) State whether emigration officer, or officer of customs, or Government emigration agent, or passenger of the ship — as the case may be.

(2) Describe briefly and in general terms the requirement (or requirements) of the Act which has not been fulfilled.

(3) Name the witness or witnesses.

329 4*z*. Every police or stipendiary magistrate, and in Scotland every sheriff or steward and sheriff substitute or steward substitute of a county or stewartry within his own county or stewartry, shall have such and the like powers, privileges, and functions, and be entitled to exercise such and the like jurisdiction under this Act, as any justice or two justices, or justices at petty sessions, have or is or are entitled to exercise under the provisions of this Act; and all acts, matters, and things competent to be done under the provisions of this Act by or before any justice or two justices of the peace, or justices at petty sessions, or otherwise, may be done by and before any police or stipendiary magistrate, and in Scotland by and before any sheriff or steward or sheriff substitute or steward substitute within his own county or stewartry. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 86.)

Police and stipendiary magistrate, and in Scotland, sheriff, &c. to have the same powers as justices of the peace.

329 5*a*. No objection shall be taken or allowed to any complaint, information, summons, or warrant under this Act, for any alleged defect therein, either in substance or in form, or for any variance between such complaint or information and the evidence adduced on the hearing thereof; but if any variance shall appear to the justice or justices present and acting at such hearing to be such that the party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such justice or justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day, and in the meantime to commit the defendant to such safe custody as the said justice or justices may think fit, or to discharge him upon his recognizance, with or without sureties, to appear at such time and place as may be appointed: no conviction, order, adjudication, or other proceeding under or in pursuance of this Act shall be quashed or vacated for

No objection to be allowed nor conviction to be quashed for want of form.

Emigrant Ships

want of form. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 87.)

Application of penalties.

329 5*b*. All penalties imposed by this Act shall, when recovered, and notwithstanding any local Act of Parliament to the contrary, be paid to the emigration officer or officer of customs at whose suit the same shall have been recovered, for the use of Her Majesty and her successors, and if recovered in the colonies shall be paid over by the party receiving the same into the Colonial Treasury, and shall form part of the general revenue of the colony, and if recovered in the United Kingdom shall be paid over to the said *Emigration Commissioners* [Board of Trade*] if the party at whose suit the same shall have been recovered be an emigration officer or his assistant, and to Her Majesty's Commissioners of Customs if the party at whose suit the same shall have been recovered be an officer of customs, to be by such *Emigration Commissioners* [Board of Trade*] and Commissioners of Customs respectively duly accounted for; and all such penalties as may be recovered in the United Kingdom shall be appropriated to such purposes and in such manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury may from time to time direct and appoint: Provided always, that it shall be lawful for the justices of the peace who shall impose any such penalty at the same time to direct, if they shall think fit, that a part, not exceeding one moiety thereof, be applied to compensate any passenger for any wrong or damage which he may have sustained by the act or default in respect of which such penalty or forfeiture shall have been imposed. (Passengers Act, 1855, 18 & 19 Vict c 119. s. 88.)

Justices may award compensation out of penalties to party aggrieved.

Burden of proof to be on persons claiming exemption from Act.

329 5*c*. If in any suit, action, prosecution, or other legal proceeding under this Act any question shall arise whether any ship was or was not exempted from the provisions of this Act or any of them, the burden of proving that such ship was so exempted shall lie on the party claiming the benefit of the exemption, and failing such proof it shall for any such purpose as aforesaid be taken and adjudged that the ship did not come within the provisions of this Act; and it shall not be necessary, in any information, complaint, or other process or proceeding, to negative any exemption, proviso, or condition, contained in any section of this Act, on which such information, complaint, or other process or proceeding shall be framed, neither shall it be necessary for the complainant to prove the negative, but the defendant may prove the affirmative thereof if he will have advantage of the same. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 89.)

Proof of negatives.

* Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 5.

329 5*d*. If in any proceeding before any justice or justices of the peace under this Act, or upon any action, suit, or other proceeding whatsoever against any person, for anything done either contrary to or in pursuance of this Act, a question should arise whether any person is an emigration officer or assistant emigration officer, or an officer of customs, *vivâ voce* evidence may be given of such fact by the officer himself, and shall be deemed legal and sufficient evidence. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 90.)

Proof of a party being an emigration officer.

329 5*e*. Any passenger suing under this Act for any sum of money made recoverable by this Act as passage money, subsistence money, or compensation, or damages, shall not be deemed an incompetent witness in any proceeding for the recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own use and benefit. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 91.)

Passengers suing not incompetent witnesses

329 5*f*. No plaintiff shall recover in any action against any emigration officer, his assistant, Government emigration agent, or officer of customs, or other person for anything done in pursuance of this Act, if tender of sufficient amends shall have been made before such action brought, or if, after action brought, a sufficient sum of money shall have been paid into court by or on behalf of the defendant. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 92.)

Tender of amends.

329 5*g*. No action or suit shall be commenced against any emigration officer, his assistant, government emigration agent, officer of customs, or other person, for anything done in pursuance of or under the authority of this Act, until ten clear days notice in writing, specifying distinctly the cause of action, has been given to the officer, agent, or person as aforesaid against whom such action or suit is intended to be brought, nor after three calendar months next after the act committed and mentioned in such notice for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other place; and the defendant in such action or suit may plead the general issue, and give this Act and any special matter in evidence, at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such action or suit was brought before ten clear days notice thereof given as aforesaid, or if any action or suit shall not be commenced within the time herein-before limited, or shall be brought or laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuited, or suffer a discontinuance of such action, or if upon any demurrer in such

Limitation of actions against officers executing the Act.

Defendant may plead the general issue, &c.

Costs.

Emigrant Ships.

action judgment shall be given for the defendant thereon, then and in any of the cases aforesaid such defendant shall recover full costs of suit as between solicitor and client, and shall have such remedy for recovering the same as any defendant may have for his costs in any other case by law. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 93.)

Limitation of legal proceedings generally.

329 5*h*. Where no time is expressly limited within which any complaint or information is to be made or laid for any breach or nonperformance of any of the requirements of this Act, the complaint shall be made or the information laid within twelve calendar months from the time when the matter of such complaint or information respectively arose, or in case the master of any ship is the offender or party complained against, within twelve calendar months next after his return to the country in which the matter of complaint or information arose. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 94)

Colonial Voyages.

Colonial voyages defined.

329 5*i*. And whereas it is expedient to provide in certain cases for the carriage of passengers by sea from Her Majesty's possessions abroad: Be it therefore enacted as follows: For the purposes of this Act the term "colonial voyage" shall signify any voyage from any place within any of such possessions (except the territories under the government of the East India Company and the island of Hong Kong) to any place whatever where the distance between such places shall exceed four hundred miles, or the duration of the voyage, to be prescribed as herein-after mentioned, shall exceed three days. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 95.)

This Act to apply to all colonial voyages, except as relates to matters herein named.

329 5*j*. This Act shall apply, so far as the same is applicable, to all ships carrying passengers on any such "colonial voyage," except as to such parts of the Act as relate to the following matters; (that is to say,)

1. To passage brokers and their licenses:
2. To passengers contract tickets:
3. To emigrant runners:
4. To the giving bond to Her Majesty:
5. To the keeping on board a copy of this Act:
6. To Orders in Council regulating emigration from the United Kingdom, or prescribing rules for promoting health, cleanliness, order, and ventilation:

If any colonial voyage be less than three weeks, this Act not to apply to subjects herein named.

Provided that if the prescribed duration of any "colonial voyage" be less than three weeks, then, in addition to the matters lastly herein-before excepted, the provisions of this Act shall not extend or apply, so far as they relate to the following subjects; (namely,)

The construction or thickness of the decks:

The berths and berthing:

The height between decks:
Privies:
Hospitals:
Light and ventilation:
Manning:
Passengers stewards:
Passengers cooks and cooking apparatus:
The surgeon and medicine chest:
The maintenance of passengers for forty-eight hours after arrival:

Provided also, that in the case of such "colonial voyages" whereof the prescribed duration is less than three weeks, the requirements of this Act respecting the issue of provisions shall not, except as to the issue of water, be applicable to any passenger who may have contracted to furnish his own provisions. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 96.)

Governor of colonies may, by proclamation, declare length of voyage, and prescribe scale of diet, medicines, and medical comforts.

329 5*k*. It shall be lawful for the governor of each of Her Majesty's possessions abroad, by any proclamation to be by him from time to time issued for that purpose (which shall take effect from the issuing thereof), to declare what shall be deemed for the purposes of this Act to be the length of the voyage of any ship carrying passengers from such possession to any other place whatsoever, and to prescribe such scale of diet for the use of the passengers during the voyage as he shall think proper, and also to declare what medicines, medical comforts, medical instruments, and other matters shall be deemed necessary for the medical treatment of the passengers during such "colonial voyage;" and the provisions and requirements of every such proclamation shall be enforced in all Her Majesty's dominions as if they were incorporated in this Act, and in like manner as the provisions of this Act may be enforced; and a copy of any such proclamation, purporting to be under the hand of the governor of the colony wherein the same may have been issued, and under the public seal of such colony, shall in any part of Her Majesty's dominions wherein the same shall be produced be received as good and sufficient evidence of the due issuing and of the contents of such proclamation, unless it shall be proved that such copy is not genuine. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 97.)

Copies of proclamations to be received as evidence.

Provision for survey of ships in the colonies, and for appointing surgeons thereto.

329 5*l*. It shall be lawful for the governors of any such possessions respectively to authorise such person or persons as they may think fit to make the like survey and examination of "passenger ships" sailing from such possessions respectively as is herein-before required to be made by two or more competent surveyors in respect of "passenger ships" sailing from the United Kingdom, and also to authorise in such cases, as to such governors may seem proper, any competent person

Emigrant Ships.

to act as medical practitioner on board any "passenger ship" proceeding on a "colonial voyage." (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 98.)

Power to the Governor General of India in Council, by any Act to be passed for that purpose, to adopt this Act for India, and to make rules respecting food, passengers, surgeons, &c.,

329 *5m.* This Act shall not apply to any of the territories or places under the government of the East India Company: It shall, however, be lawful for the Governor General of India in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act or any part thereof shall apply to the carriage of passengers upon any voyage from any ports or places within such territories, to be specified in such Act or Acts, to any other places whatsoever, to be also specified in such Act or Acts; and also in like manner to authorise the substitution, as respects such voyages, of other articles of food and provisions for those herein-before enumerated; and to declare the rule of computation by which the length of any such voyage shall be estimated; and to determine the persons or officers who in such territories shall be entitled to exercise or perform the powers, functions, or duties herein-before given to or imposed upon the emigration officers and officers of customs in the United Kingdom; and to authorise the employment on board any ship of a medical practitioner duly qualified by law to practise as a physician, surgeon, or apothecary within such territories; and to declare for the purposes of this Act the space necessary for passengers, and the age at which two children shall be considered equal to one statute adult, in ships that may clear out from any port or place within such territories; and also to declare in what manner, and before what authorities, and by what form of proceedings, the penalties imposed and the sums of money made recoverable by this Act shall be sued for and recovered within such territories, and to what uses such penalties shall be applied: And on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian Act or Acts shall be specified. The provisions of such Indian Act shall be enforced in all Her Majesty's possessions in like manner as the provisions of this Act may be enforced. Every such Indian Act shall be subject to disallowance and repeal, and shall in the same manner be transmitted to England, to be laid before both Houses of Parliament, as in the case of any other law made by the Governor General in council. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 99.)

and to declare in what manner penalties, &c. may be sued for and recovered

Indian Act may be enforced in the colonies in like manner as this Act.

Voyages to the United Kingdom.

List of passengers brought into the United Kingdom to be

329 *5n.* The master of every ship bringing passengers into the United Kingdom from any place out of Europe, and not within the Mediterranean Sea, shall, within twenty-four

Emigrant Ships.

hours after arrival, deliver to the emigration officer or his assistant, or in their absence to the chief officer of customs at the port of arrival, a correct list, signed by such master, and specifying the names, ages, and callings of all the passengers embarked, and also the port or ports at which they respectively may have embarked, and showing which, if any of them, may have died, with the supposed cause of death, or been born on the voyage; and if any master shall fail so to deliver such list, or if the same shall be wilfully false, he shall on conviction, as herein-before mentioned, be liable to a penalty not exceeding fifty pounds. *Such emigration or customs officer shall, upon receipt of such list, transmit the particulars respecting any passenger named therein who shall have died, with the supposed cause of death, or born on the voyage, to the Registrar General of Births, Deaths, and Marriages, who shall file the same, and enter a copy thereof under his hand in the "Marine Register Book," which entry shall be dealt with and be of the same value as evidence as any other entry made in such book under the provisions of an Act passed in the session of Parliament held in the sixth and seventh years of the reign of Her present Majesty, intituled "An Act for registering Births, Deaths, and Marriages in "England."* * (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 100.)

delivered by the master of the ship to the emigration officer.

Penalty for neglect.

BENGAL SECRETARIAT

329 5*o*. If any ship bringing passengers into the United Kingdom from any place out of Europe shall have on board a greater number of passengers or persons than in the proportions respectively prescribed in the fourteenth section of this Act for ships carrying passengers from the United Kingdom, the master of such ship shall be liable, on such conviction as herein-before mentioned, to a penalty not exceeding ten pounds nor less than five pounds for each such person or statute adult constituting any such excess. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 101.)

Penalty on masters for having on board a greater number of persons than prescribed by section 14. of this Act.

329 5*p*. The master of every passenger ship bringing passengers into the United Kingdom from any place out of Europe shall make to each statute adult during the voyage, including the time of detention, if any, at any port or place before the termination thereof, issues of pure water and of good and wholesome provisions in a sweet condition, in quantities not less in amount than is prescribed in the thirty-fifth section of this Act for passengers proceeding from the United Kingdom; and in case of noncompliance with any of the requirements of this section the master of such ship shall, on such conviction as herein-before mentioned, be liable for each

Provisions and water to be issued to passengers brought into the United Kingdom the same as in ships carrying passengers from the United Kingdom.

Penalty for default.

* Words in italics repealed by the Births and Deaths Registration Act, 1874, 37 & 38 Vict. c. 88. s. 54.

Emigrant Ships.

offence to a penalty not exceeding fifty pounds. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 102.)

Schedules to be part of the Act.

329 5*q*. The schedules to this Act shall be deemed to be part of this Act, and all the directions therein contained shall be duly followed and enforced, under a penalty not exceeding ten pounds on the person failing to obey the same respectively. (Passengers Act, 1855, 18 & 19 Vict. c. 119. s. 103.)

PART V.

PILOTAGE

Application.

Application.

Application of Part V. of Act.

330. The fifth part of this Act shall apply to the United Kingdom only.

Powers of Pilotage Authorities (General).

Powers of Pilotage Authorities (General).

331. Every pilotage authority shall retain all powers and jurisdiction which it now lawfully possesses, so far as the same are consistent with the provisions of this Act; but no law relating to such authority, or to the pilots licensed by it, and no act done by such authority, shall, if inconsistent with any provision of this Act, be of any force whatever.

General jurisdiction of pilotage authorities.

332. Every pilotage authority shall have power, by byelaw made with the consent of Her Majesty in Council, to exempt the masters of any ships, or of any classes of ships, from being compelled to employ qualified pilots, and to annex any terms or conditions to such exemptions, and to revise and extend any exemptions now existing by virtue of this Act or any other Act of Parliament, law, or charter, or by usage, upon such terms and conditions and in such manner as may appear desirable to such authority.

Power of pilotage authorities to make and extend exemptions from compulsory pilotage.

333. Subject to the provisions contained in the fifth part of this Act, it shall be lawful for every pilotage authority, by byelaw made with the consent of Her Majesty in Council, from time to time to do all or any of the following things within its districts; (that is to say,)

Powers of pilotage authorities.

(1.) To determine the qualifications to be required from persons applying to be licensed as pilots, whether in respect of their age, skill, time of service, character, or otherwise:

To determine qualifications of pilots:

(2.) To make regulations as to the approval and licensing of pilot boats and ships, with power to establish and regulate companies for the support of such boats and ships, and for a participation in the profits made thereby; the companies so established to be exempt from the provisions of the Act passed in the session holden in the seventh and eighth years of the reign of Her present Majesty, chapter one hundred and ten, intituled An Act for the registration, incorporation, and regulation of joint stock companies:

To make regulations as to pilot boats

Powers of Pilotage Authorities (General)

To make regulations for the government of pilots

(3) To make regulations for the government of the pilots licensed by them, and for insuring their good conduct, and their constant attendance to and effectual performance of their duty, either at sea or on shore:

To make regulations as to licenses and certificates:

(4) To fix the terms and conditions of granting licenses to pilots and apprentices, and of granting such pilotage certificates as herein-after mentioned to masters and mates, and to make regulations for punishing any breach of such regulations as aforesaid committed by such pilots or apprentices or by such masters and mates by the withdrawal or suspension of their licenses or certificates, as the case may be, or by the infliction of penalties to be recoverable summarily before two justices, so that no such penalty be made to exceed the sum of twenty pounds, and so that every such penalty be capable of reduction at the discretion of the justices by whom the same is inflicted:

To alter and reduce rates of pilotage:

(5) To fix the rates and prices or other remuneration to be demanded and received for the time being by pilots licensed by such authority, or to alter the mode of remunerating such pilots, in such manner as such authority may, with such consent as aforesaid, think fit, so that no higher rates or prices be demanded or received from the masters or owners of ships in the case of the Trinity House than the rates and prices specified in the table marked U. in the schedule hereto, and in the case of all other pilotage authorities than the rates and prices which might have been lawfully fixed or demanded by such pilotage authorities respectively under any Act of Parliament, charter, or custom in force immediately before the commencement of this Act:

TABLE U. (See Section 333.)

Rates of Pilotage to be Demanded and Received by Qualified Pilots for piloting Ships within the under-mentioned Limits.

| OUTWARDS. | | |

TABLE U. (See Section 333)—*continued.*

OUTWARDS.

From	To	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet, and upwards.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Sea, Orfordness, the Downs, Hoseley Bay, and vice versâ	Nore Warps	8 14 9	9 8 6	10 17 0	11 10 0	12 17 6	14 5 3	16 11 3	18 8 0
	Gravesend, Chatham, Standgate Creek, or Blackstakes	11 0 9	11 14 6	14 1 6	16 13 0	19 6 6	21 5 0	23 3 9	25 2 3
	Long Reach	11 10 0	13 3 6	15 9 0	18 11 9	21 5 0	23 0 0	24 16 9	26 13 6
	Woolwich or Blackwall	12 8 6	14 3 6	16 5 9	19 11 0	22 1 6	24 16 9	27 12 0	—
	Moorings or London Docks	13 2 3	14 14 6	17 0 6	20 10 3	23 4 6	—	—	—
The Nore or Warps, and vice versâ	Gravesend, Standgate Creek, or Blackstakes	4 10 3	5 1 3	5 16 0	6 8 9	7 14 6	8 14 0	9 13 3	10 12 6
	Long Reach or Chatham	5 5 0	5 16 0	6 15 3	8 5 6	9 13 3	10 12 6	11 11 9	12 15 3
	Woolwich or Blackwall	6 4 3	7 2 6	8 3 9	9 4 0	11 11 9	12 11 3	13 16 0	—
	Moorings or London Docks	7 2 6	8 1 0	9 4 0	11 0 9	12 17 6	13 16 0	—	—
Gravesend Reach, and vice versâ	Long Reach	2 13 0	2 17 6	3 2 0	3 6 9	3 11 3	4 12 0	5 10 6	—
	Woolwich or Blackwall	4 5 6	4 13 9	5 1 2	6 4 3	7 11 9	8 19 6	9 13 3	—
	Moorings or London Docks	5 1 3	5 10 6	5 19 6	7 7 3	8 14 9	—	—	—
	Sheerness, Standgate Creek, or Blackstakes	5 19 6	6 8 9	6 18 0	7 7 3	7 16 5	—	—	—
	Chatham	6 8 9	6 18 0	7 7 3	7 16 5	8 5 6	—	—	—
Long Reach and vice versâ	Woolwich or Blackwall	4 2 9	4 12 0	5 3 6	5 16 0	6 8 9	8 5 6	9 4 0	—
	Moorings or London Docks	4 12 0	5 3 6	5 16 0	6 8 9	7 7 3	9 4 0	—	—
	Sheerness, Standgate Creek, or Blackstakes	6 8 9	6 18 0	7 7 3	7 17 6	8 5 6	8 14 9	—	—
	Chatham	6 18 0	7 7 3	7 16 6	8 5 6	8 14 9	9 4 0	—	—
Woolwich or Blackwall, and vice versâ	Moorings or London Docks	2 10 6	2 15 3	2 19 9	3 4 6	3 9 0	—	—	—
	Sheerness, Standgate Creek, or Blackstakes	6 18 0	7 7 3	7 16 5	8 5 6	8 14 9	—	—	—
	Chatham	7 7 3	7 17 6	8 5 6	8 14 9	9 4 0	—	—	—

TABLE U.—(*continued.*)

INWARDS.

From	To	Under 7 Feet.	From 7 Feet to 10 Feet.	11 Feet.	12 Feet.	13 Feet.	14 Feet.	15 Feet.	16 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Downs	Nore, Sheerness, Standgate Creek, Gravesend	5 5 0	7 17 6	8 13 3	9 9 0	10 4 9	11 0 6	11 16 3	12 12 0
	Longreach	5 16 0	8 8 6	9 9 0	10 4 10	11 3 0	11 18 10	12 18 3	13 14 0
	Blackwall or London	6 12 3	8 19 6	10 4 9	11 0 6	12 1 6	12 17 3	14 0 4	14 16 0
Standgate Creek	Gravesend	3 6 2	3 17 0	4 8 2	4 19 0	5 10 3	6 1 3	6 12 3	7 3 3

From	To	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Downs	Nore, Sheerness, Standgate Creek, Gravesend	13 7 9	16 1 3	19 0 0	22 1 0	24 5 0	26 9 2	28 13 3
	Longreach	15 0 9	17 14 4	21 4 2	24 5 1	26 9 2	28 13 3	30 17 4
	Blackwall or London	16 13 9	19 7 5	23 8 3	26 9 2	28 13 3	—	—
Standgate Creek	Gravesend	7 14 4	8 5 4	8 16 4	9 7 4	—	—	—

NOTE 1. Foreign ships are to pay one fourth more than British ships, except when privileged to enter the ports of the United Kingdom upon paying the same duties of tonnage as are paid by British ships, in which cases such ships are to pay the same rates of pilotage only as are payable by British ships.

NOTE 2. For half a foot exceeding the above draughts of water, the medium price between the two limits.—For intermediate distances a proportionate rate.

TABLE U.—(*continued.*)

For putting a Pilot on board, and for Pilotage of Ships to the Anchorage to the Downs.*	60 Tons, and under 150.	150 Tons, and under 250.	250 Tons, and under 400.	400 Tons, and under 600.	600 Tons, and upwards.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
From off Dungeness to off Folkestone; the Church bearing N.N.W. by compass - - - - - - - -	2 0 0	3 0 0	3 10 0	4 0 0	5 5 0
From off Folkestone to the South Foreland, the lights in one - -	1 10 0	2 0 0	2 10 0	3 0 0	4 4 0
From off the South Foreland to the Downs - - - -	1 5 0	1 5 0	1 10 0	2 0 0	3 3 0

When the pilot is put on board by a boat from the shore, one seventh to the pilot, and the remaining six sevenths to the boat and crew.

In the River Thames, above Gravesend.	For a boat of a class carrying an anchor of above 4 cwt. with a corresponding tow line - - -	£2 2 0	Per trip for the whole distance from Gravesend to London; and in proportion for any part of that distance.
	Do. Do. - - 2 cwt.	1 1 0	
	Do. Do. - under 2 cwt.	0 15 0	

And for each man's service in those boats, 8*s.* per tide.

For removing a ship from moorings into a dry or wet dock:

For a ship under 300 tons - - - - -	£0 15 0
300 to 600 „ - - - - -	1 1 0
600 to 1,000 „ - - - - -	1 11 6
Above 1,000 „ - - - - -	2 2 0

Powers of Pilotage Authorities (General).

(6.) To make such arrangements with any other pilotage authority for altering the limits of their respective districts, and for extending the powers of such other authority or the privileges of the pilots licensed by such other authority or any of them to all or any part of its own district, or for limiting its own powers or the privileges of its own pilots or any of them, or for sharing the said last-mentioned powers and privileges with the said other authority and the pilots licensed by it, or for delegating or surrendering such powers and privileges or any of them to any other pilotage authority either already constituted or to be constituted by agreement between such authorities, and to the pilots licensed by it, as may appear to such pilotage authorities to be desirable for the purpose of facilitating navigation or of reducing charges on shipping:

To arrange the limits of pilotage districts:

(7.) To establish, either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm qualified pilots, or of their wives, widows, or children, or to make any new regulations with respect to any funds already applicable to the above purposes or any of them, with power to determine the amount, manner, time, and persons (such persons to be in the service of such pilotage authority) to and in which and by and upon whom the contributions in support of such existing or future funds may be made or levied; and further, to declare the persons or class of persons (such persons or class of persons being confined to men in the service of such pilotage authority, their wives, widows, or children,) entitled to participate in the benefits of such existing or future funds, and the terms and conditions upon which they are to be so entitled:

To establish funds for superannuated pilots:

(8.) To repeal or alter any byelaw made in exercise of the above powers, and to make a new byelaw or new byelaws in lieu thereof:

To alter byelaws.

And every byelaw duly made by any pilotage authority in exercise of the powers hereby given to it shall be valid and effectual, notwithstanding any Act of Parliament, rule, law, or custom to the contrary.

Power of pilotage authorities to exempt from compulsory pilotage.

333 *a*. Whereas it is enacted by the principal Act that every pilotage authority shall have power, in manner and subject to the conditions therein mentioned, to do the following things; (that is to say,)

To exempt the masters of any ships or of any classes of ships from being compelled to employ qualified pilots:

Powers of Pilotage Authorities (General).

To alter and reduce rates of pilotage.

To lower and modify the rates and prices or other remuneration to be demanded and received for the time being by pilots licensed by such authority:

To arrange the limits of pilotage districts.

To make arrangements with any other pilotage authority for altering the limits of their respective districts, and for extending the powers of such other authority, and transferring its own powers to such last-mentioned authority:

And whereas it is expedient that increased facilities should be given for effecting the objects contemplated by the said recited enactments, and for further amending the law concerning pilotage, and that in so doing means should be afforded for paying due regard to existing interests and to the circumstances of particular cases: Be it enacted, that it shall be lawful for the Board of Trade, by Provisional Order, to do the following things; that is to say,

Power by Provisional Order,—To transfer pilotage jurisdiction.

(1.) Whenever any pilotage authority residing or having its place of business at one port has or exercises jurisdiction in matters of pilotage in any other port, to transfer so much of the said jurisdiction as concerns such last-mentioned port to any harbour trust or other body exercising any local jurisdiction in maritime matters at the last-mentioned port or to any body to be constituted for the purpose by the Provisional Order, or, in cases where the said pilotage authority is not the Trinity House of Deptford Strond, to the said Trinity House; or to transfer the whole or any part of the jurisdiction of the said pilotage authority to a new body corporate or body of persons to be constituted for the purpose by the Provisional Order, so as to represent the interests of the several ports concerned:

And to make consequent arrangements.

(2.) To make the body corporate or persons to whom the said transfer is made a pilotage authority within the meaning of the principal Act, with such powers for the purpose as may be in the Provisional Order in that behalf mentioned:

To determine the limits of the district of the pilotage authority to which the transfer of jurisdiction is made:

To sanction a scale of pilotage rates to be taken by the pilots to be licensed by the last-mentioned pilotage authority:

To determine to what extent and under what conditions any pilots already licensed by the former pilotage authority shall continue to act under the new pilotage authority:

To sanction arrangements for the apportionment of any pilotage funds belonging to the pilots licensed by the former pilotage authority between the pilots

Powers of Pilotage Authorities (General).

remaining under the jurisdiction of that authority and the pilots who are transferred to the jurisdiction of the new authority:

To provide for such compensation or superannuation as may be just to officers employed by the former pilotage authority and not continued by the new authority:

To constitute new authorities.

(3.) To constitute a pilotage authority and to fix the limits of its district in any place in the United Kingdom where there is no such authority; so, however, that in the new pilotage districts so constituted there shall be no compulsory pilotage, and no restriction on the power of duly qualified persons to obtain licenses as pilots:

To exempt from compulsory pilotage in any district.

(4.) To exempt the masters and owners of all ships, or of any classes of ships, from being obliged to employ pilots in any pilotage district or in any part of any pilotage district, or from being obliged to pay for pilots when not employing them in any district or in any part of any pilotage district, and to annex any terms and conditions to such exemptions:

To enable existing authorities to grant licenses and fix rates.

(5.) In cases where the pilotage is not compulsory, and where there is no restriction on the power of duly qualified persons to obtain licenses as pilots, to enable any pilotage authority to license pilots and fix pilotage rates for any part of the district within the jurisdiction of such authority for which no such licenses or rates now exist:

To raise rates.

(6.) In cases where the pilotage is not compulsory, and where there is no restriction on the power of duly qualified persons to obtain licenses as pilots, to enable any pilotage authority to raise all or any of the pilotage rates now in force in the district or any part of the district within the jurisdiction of such authority:

To facilitate recovery of rates in certain cases.

(7.) In cases where the pilotage is not compulsory, and where there is no restriction on the number of pilots, or on the power of duly qualified persons to obtain licenses as pilots, to give additional facilities for the recovery of pilotage rates and for the prevention of the employment of unqualified pilots:

To facilitate grants of licenses.

(8.) To give facilities for enabling duly qualified persons, after proper examination as to their qualifications, to obtain licenses as pilots. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 39.)

Powers of Pilotage Authorities (General).

Regulations with respect to manner of making and confirming Provisional Orders

333 *b*. The following rules shall be observed with respect to Provisional Orders made in pursuance of this Act:

1. Application in writing for such order shall be made to the Board of Trade by some persons interested in the pilotage of the district or in the operation of the laws or regulations relating to such pilotage:
2. Notice of such application having been made shall be published once at the least in each of two successive weeks in the month immediately succeeding the time of such application in the Shipping Gazette, and in some newspaper or newspapers circulating in the county, or, if there are more than one, in the counties adjacent to the pilotage district to be affected by the order:
3. The notice so published shall state the objects which it is proposed to effect by the Provisional Order:
4. The Board of Trade on receiving the application shall refer the same to the pilotage authority or authorities of the district, and shall receive and consider any objections which may be made to the proposed Provisional Order, and shall for that purpose allow at least six weeks to elapse between the time of referring the application to the pilotage authority and the time of making the Provisional Order:
5. The Board of Trade shall, after considering all objections, determine whether to proceed with the Provisional Order or not; and shall, if they determine to proceed with it, settle it in such manner and with such terms and conditions, not being inconsistent with the provisions of this Act, as they may think fit; and shall, when they have settled the same, forward copies thereof to the persons making the application and to the pilotage authority or authorities of the district or districts to which it refers:
6. No such Provisional Order shall take effect unless and until the same is confirmed by Parliament; and for the purpose of procuring such confirmation the Board of Trade shall introduce into Parliament a public general Bill, or public general Bills, in which, or in the schedule to which, the Provisional Order or Provisional Orders to be thereby confirmed shall be set out at length:
7. If any petition is presented to either House of Parliament against any such Provisional Order as aforesaid in the progress through Parliament of the Bill confirming the same, so much of the Bill as relates to the order so petitioned against may be referred to a select committee and the petitioner shall in such case be allowed to

appear and oppose as in the case of private Bills. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 40.)

Powers of Pilotage Authorities (General).

334. Every byelaw proposed to be enacted by any pilotage authority in pursuance of the foregoing powers shall, before it is submitted to Her Majesty in Council for her assent, be published in such manner as may from time to time be prescribed by the Board of Trade.

Publication of byelaws.

335. Every Order in Council made in pursuance of the provisions herein-before contained shall be laid before both Houses of Parliament as soon as possible after the making thereof.

Byelaws to be laid before Parliament.

336. If the greater part in number of the qualified pilots belonging to any port, or the local marine board, where there is one, or, at any port where there is no local marine board, if any masters, owners, or insurers of ships, being not less than six in number, consider themselves aggrieved by any regulation or byelaw in force when this Act comes into operation or hereafter made under some authority other than the provisions of this Act, or by any defect or omission therein, they may appeal to the Board of Trade, and the said Board may thereupon revoke or alter any such regulation or byelaw, or may make additions thereto, in such manner as, having regard to the interests of the persons concerned, may appear to be just and expedient; and every order so made shall be conclusive in the matter.

Power of appeal to Board of Trade.

Returns by Pilotage Authorities (General).

Returns by Pilotage Authorities (General).

337. Every pilotage authority shall deliver periodically to the Board of Trade, in such form and at such times as such Board requires, returns of the following particulars with regard to pilotage within the port or district under the jurisdiction of such authority; (that is to say,)

Pilotage authorities to make full returns to the Board of Trade of certain particulars connected with pilotage.

(1.) All byelaws, regulations, orders, or ordinances relating to pilots or pilotage for the time being in force:

(2.) The names and ages of all pilots or apprentices licensed or authorised to act by such authority, and of all pilots or apprentices acting either mediately or immediately under such authority, whether so licensed or authorised or not:

(3.) The service for which each pilot or apprentice is licensed:

(4.) The rates of pilotage for the time being in force, including therein the rates and descriptions of all charges upon shipping made for or in respect of pilots or pilotage:

Returns by Pilotage Authorities (General).

(5.) The total amount received for pilotage, distinguishing the several amounts received from British ships and from foreign ships respectively, and the several amounts received in respect of different classes of ships paying different rates of pilotage, according to the scale of such rates for the time being in force, and the several amounts received for the several classes of service rendered by pilots; and also the amount paid by such ships (if any) as have before reaching the outer limits of pilotage water if outward-bound, or their port of destination if inward-bound, to take or pay for two or more pilots, whether licensed by the same or by different pilotage authorities; together with the numbers of the ships of each of the several classes paying such several amounts as aforesaid:

(6.) The receipt and expenditure of all moneys received by or on behalf of such authority, or by or on behalf of any sub-commissioners appointed by them, in respect of pilots or pilotage:

And shall allow the Board of Trade, or any persons appointed by such Board for the purpose, to inspect any books or documents in its possesion relating to the several matters herein-before required to be returned to the Board of Trade.

If local authorities fail to give the required returns, their jurisdiction may be transferred to the Trinity House.

338. If any such pilotage authorities as aforesaid (other than the Trinity House or Sub-Commissioners of Pilotage appointed by it, as herein-after mentioned,) fail to deliver to the Board of Trade the periodical returns herein-before required within one year of such time as may be fixed by such Board for the purpose, or if any of such authorities do not allow the said Board, or any persons who may be appointed by it for the purpose, to inspect any books or documents in their possession relating to the matters herein-before required to be returned by them, it shall be lawful for Her Majesty, by and with the advice of her Privy Council, to direct that all the rights and powers of such authorities in respect of pilotage shall cease or be suspended during such time as Her Majesty directs; and thereupon the Trinity House shall thereafter, or during such time as such suspension may continue, have and exercise the same powers of appointing sub-commissioners of pilotage, and of licensing pilots, and of establishing and altering rates of pilotage, within the district within which the authority so making default has previously appointed or licensed pilots, as it is by this Act authorised to exercise in any district for which no particular provision is made by any Act of Parliament or charter for the appointment of pilots, and shall also during such time as aforesaid have and exercise the same rights, title, and powers to and in respect of any pilotage funds or other pilotage property which the said

Returns by Pilotage Authorities (General).

pilotage authorities would or might have had or exercised if not so suspended as aforesaid.

Returns to be laid before Parliament.

339. The Board of Trade shall without delay cause the several returns herein-before required to be made to such Board to be laid before both Houses of Parliament.

Licensing of Masters and Mates (General).

Licensing of Masters and Mates (General).

Master or mate, if examined and passed, to receive a pilotage certificate enabling him to pilot particular ships.

340. The master or mate of any ship may, upon giving due notice and consenting to pay the usual expenses, apply to any pilotage authority to be examined as to his capacity to pilot the ship of which he is master or mate, or any one or more ships belonging to the same owner, within any part of the district over which such pilotage authority has jurisdiction; and such master or mate shall, if such authority thinks fit, thereupon be examined; and if found competent a pilotage certificate shall be granted to him, containing his name, a specification of the ship or ships in respect of which he has been examined, and a description of the limits within which he is to pilot the same, such limits to be within such jurisdiction as aforesaid; and such certificate shall enable the person therein named to pilot the ship or any of the ships therein specified, of which he is acting as master or mate at the time, but no other, within the limits therein described, without incurring any penalties for the non-employment of a qualified pilot.

Renewal of pilotage certificate.

341. The pilotage certificate so granted shall not be in force for more than one year, unless the same is renewed, which may from time to time be done by an indorsement under the hand of the secretary or other proper officer of the authority by whom such certificate was granted.

Board of Trade to examine and grant pilotage certificates to masters and mates, on pilotage authorities refusing to do so.

342. If, upon complaint to the Board of Trade, it appear to such Board that any such authority as aforesaid has without reasonable cause refused or neglected to examine any master or mate who has applied to them for the purpose, or after he has passed the examination has without reasonable cause refused or neglected to grant him a pilotage certificate, or that the examination of any such master or mate has been unfairly or improperly conducted, or that any terms imposed or sought to be imposed by such authority are unfair or improper, or that any pilotage certificate granted by such authority has been improperly withdrawn, the Board of Trade may, if in its judgment the circumstances appear to require it, appoint persons to examine such master or mate, and if he is found competent may grant him a pilotage certificate, containing the same particulars as would have been inserted in any certificate granted by such pilotage authorities as

Licensing of Masters and Mates (General).

aforesaid, upon such terms and conditions, and subject to such regulations, as such Board may think fit: and such certificate shall have the same effect as if it had been granted by such pilotage authority as aforesaid; and such certificate shall be in force for one year, and may be renewed from year to year, either by the said authorities in manner herein-before mentioned, or by the Board of Trade, if such Board thinks fit, such renewal to be endorsed on the said certificate, either by such person as the Board of Trade may appoint for the purpose, or in manner herein-before provided as to certificates granted by any pilotage authority.

Fees to be paid upon such certificates and the renewals thereof.

343. All masters or mates to or for whom any such pilotage certificates as aforesaid are granted or renewed by any pilotage authority shall pay to such authority, or as it directs, such fees upon their respective certificates and upon the renewals thereof as are from time to time fixed for that purpose by such authority, with the consent of the Board of Trade; and all masters and mates to or for whom any such certificates are granted or renewed by the Board of Trade shall pay to such Board, or as it directs, such fees upon their certificates and upon the renewals thereof as may be fixed by such Board, so nevertheless that in the case of pilotage certificates granted or renewed by the Board of Trade such fees shall in no case be less than the fees payable by the qualified pilots in the same district upon their licenses and the renewal thereof; and such fees shall in the case of certificates and renewals granted by pilotage authorities be applicable either to paying the expense of the examinations, or any other general expenses connected with pilotage incurred by such authorities or to the pilots superannuation fund of the district (if any), or otherwise for the benefit of the pilots appointed by such authorities, as such authorities think fit; and such fees shall in the case of pilotage certificates granted or renewed by the Board of Trade be applicable to the expense of the examinations, and the surplus (if any) shall be applied for the benefit of the qualified pilots of the port or district to which such certificates apply, in such manner as such Board thinks fit.

Power to withdraw pilotage certificates.

344. If at any time it appears to the Board of Trade or to any pilotage authority that any master or mate to whom a pilotage certificate has been granted by such Board or authority has been guilty of misconduct, or has shown himself incompetent to pilot his ship, such Board or such authority (as the case may be) may thereupon withdraw his certificate, and such certificate shall thenceforth cease to be of any effect whatever.

Pilots boats how to be provided.

345. All boats and ships regularly employed in the pilotage service of any district shall be approved and licensed by the pilotage authority of such district, who may, at their discretion, appoint and remove the masters of such boats and ships.

Characteristics of pilot boats.

346. Every pilot boat or ship shall be distinguished by the following characteristics; (that is to say,)

(1.) A black colour painted or tarred outside, with the exception of such names and numbers as are hereinafter mentioned; or such other distinguishing colour or colours as the pilotage authority of the district, with the consent of the Board of Trade, directs:

(2.) On her stern the name of the owner thereof and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of the license of such boat or ship:

(3.) When afloat a flag at the mast-head or on a sprit or staff, or in some other equally conspicuous situation; such flag to be of large dimensions compared with the size of the boat or ship carrying the same, and to be of two colours, the upper horizontal half white, and the lower horizontal half red:

And it shall be the duty of the master of such boat or ship to attend to the following particulars: first, that the boat or ship possesses all the above characteristics; secondly, that the aforesaid flag is kept clean and distinct, so as to be easily discerned at a proper distance; and, lastly, that the names and numbers before mentioned are not at any time concealed; and if default is made in any of the above particulars he shall incur a penalty not exceeding twenty pounds for each default.

Qualified pilot to display flag though not in pilot boat.

347. Whenever any qualified pilot is carried off in a boat or ship not in the pilotage service he shall exhibit a flag of the above description, in order to show that such boat or ship has a qualified pilot on board; and if he fails to do so, without reasonable cause, he shall incur a penalty not exceeding fifty pounds.

Penalty on ordinary boat displaying pilot flag.

348. If any boat or ship not having a licensed pilot on board displays a flag of the above-mentioned description, there shall be incurred for every such offence a penalty not exceeding fifty pounds, to be recovered from the owner or from the master of such boat or ship.

Pilot Signals.

Pilot Signals.

Signals for pilots.

348 *a.* If a vessel requires the services of a pilot, the signals to be used and displayed shall be those specified in the second schedule to this Act.

Any master of a vessel who uses or displays, or causes or permits any person under his authority to use or display, any of the said signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, shall incur a penalty not exceeding twenty pounds. (Merchant Shipping Act, 1874, 36 & 37 Vict. c. 85. s. 19.)

SCHEDULE II.

Signals to be made by Ships wanting a Pilot.

In the daytime.—The following signals, numbered 1 and 2, when used or displayed together or separately, shall be deemed to be signals for a pilot in the daytime, viz. :—

1. To be hoisted at the fore, the Jack or other national colour usually worn by merchant ships, having round it a white border, one fifth of the breadth of the flag ; or
2. The International Code pilotage signal indicated by P.T.

At night.—The following signals, numbered 1 and 2, when used or displayed together or separately, shall be deemed to be signals for a pilot at night, viz. :—

1. The pyrotechnic light commonly known as a blue light every fifteen minutes ; or
2. A bright white light, flashed or shown at short or frequent intervals just above the bulwarks, for about a minute at a time.

Power to alter rules as to signals.

348 *b.* Her Majesty may from time to time by Order in Council repeal or alter the rules as to signals contained in the schedules to this Act, or make new rules in addition thereto, or in substitution therefor, and any alterations in or additions to such rules made in manner aforesaid shall be of the same force as the rules in the said schedules. (Merchant Shipping Act, 1874, 36 & 37 Vict. c. 85. s. 20.)

Pilot Licenses (General).

Pilot Licenses (General).

Registry of pilot license.

349. Every qualified pilot on his appointment shall receive a license, containing his name and usual place of abode, together with a description of his person, and a specification

of the limits within which he is qualified to act: And it shall be the duty of the principal officer of customs at the place at or nearest to which any qualified pilot may reside, upon his request, to register his license; and no qualified pilot shall be entitled to act as such until his license is so registered; and any qualified pilot acting beyond the limits for which he is qualified by his license shall be considered as an unqualified pilot.

Pilot Licenses (General).

350. Every qualified pilot shall, upon receiving his license, be furnished with a copy of such part of this Act as relates to pilotage, together with a copy of the rates, byelaws, and regulations established within the district for which he is licensed; and he shall produce such copies to the master of any ship, or other person employing him, when required to do so, under a penalty in case of default not exceeding five pounds.

Copies of regulations to be furnished to qualified pilot, and to be produced by him.

351. Every qualified pilot, while acting in that capacity, shall be provided with his license, and produce the same to every person by whom he is employed, or to whom he tenders his services as pilot; and if he refuses to do so at the request of such person, he shall incur for each offence a penalty not exceeding ten pounds, and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

Qualified pilot to produce license to employer.

352. Every qualified pilot, when required by the pilotage authority who appointed him, shall produce or deliver up his license; and on the death of any qualified pilot the person into whose hands his license happens to fall shall without delay transmit the same to the pilotage authority who appointed the deceased pilot; and any pilot or person failing to comply with the provisions of this section shall incur a penalty not exceeding ten pounds.

Licenses to be delivered up, when required, and returned on death.

352 *a*. Any pilotage authority may, if authorised in that behalf by Order in Council, grant special licenses qualifying the persons to whom they are granted to act as pilots for any part of the sea or channels beyond the limits of any pilotage authority, so, however that no pilot so licensed be entitled to supersede an unlicensed pilot outside the limits of the authority by which he is licensed. (Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 11.)

Pilotage authority may grant special sea licenses.

Compulsory Pilotage (General).

Compulsory Pilotage (General).

353. Subject to any alteration to be made by any pilotage authority in pursuance of the power herein-before in that behalf given, the employment of pilots shall continue to be compulsory in all districts in which the same was by law compulsory immediately before the time when this Act comes into operation; and all exemptions from compulsory pilotage

Compulsory pilotage, in what mode to be enforced.

Compulsory Pilotage (General).

then existing within such districts shall also continue in force; and every master of any unexempted ship navigating within any such district who, after a qualified pilot has offered to take charge of such ship or has made a signal for that purpose, either himself pilots such ship without possessing a pilotage certificate enabling him so to do, or employs or continues to employ an unqualified person to pilot her, and every master of any exempted ship navigating within any such district who after a qualified pilot has offered to take charge of such ship or has made a signal for that purpose employs or continues to employ an unqualified pilot to pilot her, shall for every such offence incur a penalty of double the amount of pilotage demandable for the conduct of such ship.

Home trade passenger ships to employ qualified pilots unless they have certificated masters or mates.

354. The master of every ship carrying passengers between any place situate in the United Kingdom, or the islands of Guernsey, Jersey, Sark, Alderney, and Man, and any other place so situate, when navigating upon any waters situate within the limits of any district for which pilots are licensed by any pilotage authority under the provisions of this or of any other Act, or upon any part thereof so situate, shall, unless he or his mate has a pilotage certificate enabling such master or mate to pilot the said ship within such district, granted under the provisions herein-before contained, or such certificate as next herein-after mentioned, being a certificate applicable to such district and to such ship, employ a qualified pilot to pilot his ship; and if he fails so to do he shall for every offence incur a penalty not exceeding one hundred pounds.

Certificates, how to be granted to such masters and mates.

355. Any master or mate of a ship which by the last preceding section is made subject to compulsory pilotage may apply to the Board of Trade for a certificate, and the Board of Trade shall thereupon, on satisfactory proof of his having continuously piloted any ship within the limits of any pilotage district or of any part or parts thereof for two years prior to the commencement of this Act, or upon satisfactory proof by examination of his competency, or otherwise as it may deem expedient, cause to be granted to him, or to be indorsed on any certificate of competency or service obtained by him under the third part of this Act, a certificate to the effect that he is authorised to pilot any ship or ships belonging to the same owner, and of a draft of water not greater than such draft as may be specified in the certificate within the limits aforesaid; and the said certificate shall remain in force for such time as the Board of Trade directs, and shall enable the master or mate therein named to conduct the ship or ships therein specified within the limits therein described to the same extent as if the last preceding section had not been passed, but not further or otherwise; and every such master or mate shall, upon applying for such certificate or for any

renewal thereof, pay to the Board of Trade, or as it directs, such fees not exceeding the fees payable on an examination for a master's certificate of competency under the third part of this Act as the Board of Trade directs; and such fees shall be applied in the same manner in which the fees payable on such last-mentioned examination are made applicable.

Compulsory Pilotage (General).

Rights, Privileges, and Remuneration of Pilots (General).

Rights, Privileges, and Remuneration of Pilots (General).

356. If any boat or ship, having a qualified pilot on board, leads any ship which has not a qualified pilot on board when such last-mentioned ship cannot from particular circumstances be boarded, the pilot so leading such last-mentioned ship shall be entitled to the full pilotage for the distance run as if he had actually been on board and had charge of such ship.

Qualified pilots unable to board when entitled to pilotage.

357. No pilot, except under circumstances of unavoidable necessity, shall without his consent be taken to sea or beyond the limits for which he is licensed in any ship whatever; and every pilot so taken under circumstances of unavoidable necessity or without his consent shall be entitled, over and above his pilotage, to the sum of ten shillings and sixpence a day, to be computed from and inclusive of the day on which such ship passes the limit to which he was engaged to pilot her up to and inclusive of the day of his being returned in the said ship to the place where he was taken on board, or up to and inclusive of such day as will allow him, if discharged from the ship, sufficient time to return thereto; and in such last-mentioned case he shall be entitled to his reasonable travelling expenses.

Allowance to qualified pilot taken out of his district.

358. Any qualified pilot demanding or receiving, and also any master offering or paying to any pilot, any other rate in respect of pilotage services, whether greater or less, than the rate for the time being demandable by law, shall for each offence incur a penalty not exceeding ten pounds.

Penalty on qualified pilot receiving or master offering improper rate.

358 *a.* Notwithstanding anything in the three hundred and fifty-eighth section of the Merchant Shipping Act, 1854, the Trinity House may, by byelaw made with the sanction of Her Majesty in Council, repeal or relax the provisions of that section within the whole or any part of their district so far as to allow any pilot or class of pilots under their jurisdiction to demand or receive and any master to offer or pay any rate less than the rate for the time being demandable by law.

Trinity House may modify rule as to pilotage rates.

359. If any master, on being requested by any qualified pilot having the charge of his ship to declare her draught of water, refuses to do so, or himself makes or is privy to any other person making a false declaration to such pilot as to

Penalty on making a false declaration as to draught of ship or falsifying marks.

Rights, Privileges, and Remuneration of Pilots (General).

such draught, he shall incur a penalty for every such offence not exceeding double the amount of pilotage which would have been payable to the pilot making such request; and if any master or other person interested in a ship makes or is privy to any other person making any fraudulent alteration in the marks on the stern or stem post of such ship denoting her draught of water, the offender shall incur a penalty not exceeding five hundred pounds.

Power of qualified pilot to supersede unqualified pilot.

360. A qualified pilot may supersede an unqualified pilot, but it shall be lawful for the master to pay to such unqualified pilot a proportionate sum for his services, and to deduct the same from the charge of the qualified pilot; and in case of dispute the pilotage authority by whom the qualified pilot is licensed shall determine the proportionate sums to which each party is entitled.

Penalty on unqualified person acting as pilot.

361. An unqualified pilot assuming or continuing in the charge of any ship after a qualified pilot has offered to take charge of her, or using a license which he is not entitled to use for the purpose of making himself appear to be a qualified pilot, shall for each offence incur a penalty not exceeding fifty pounds.

Occasions on which unlicensed persons may act as pilots.

362. An unqualified pilot may within any pilotage district, without subjecting himself or his employer to any penalty, take charge of a ship as pilot under the following circumstances; that is to say,

When no qualified pilot has offered to take charge of such ship, or made a signal for that purpose; or

When a ship is in distress or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time; or

For the purpose of changing the moorings of any ship in port, or of taking her into or out of any dock, in cases where such act can be done by an unqualified pilot without infringing the regulations of the port or any orders which the harbour-master is legally empowered to give.

Liability for and recovery of pilotage dues.

363. The following persons shall be liable to pay pilotage dues for any ship for which the services of a qualified pilot are obtained; (that is to say,) the owner or master, or such consignees or agents thereof as have paid or made themselves liable to pay any other charge on account of such ship in the port of her arrival or discharge, as to pilotage inwards, and in the port from which she clears out as to pilotage outwards: and in default of payment such pilotage dues may be recovered in the same manner as penalties of the like amount may be recovered by virtue of this Act; but such recovery shall not take place until a previous demand thereof has been made in

writing, and the dues so demanded have remained unpaid for seven days after the time of such demand being made.

Rights, Privileges, and Remuneration of Pilots (General).

364. Every consignee and agent (not being the owner or master) hereby made liable for the payment of pilotage dues in respect of any ship may, out of any moneys in his hands received on account of such ship or belonging to the owner thereof, retain the amount of all dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment or liability.

Power for consignees to retain pilotage dues paid by them.

Offences of Pilots (General).

Offences of Pilots (General).

365. If any qualified pilot commits any of the following offences; (that is to say,)

Penalties on qualified pilot:

(1.) Keeps himself, or is interested in keeping by any agent, servant, or other person, any public-house or place of public entertainment, or sells or is interested in selling any wine, spirituous liquors, tobacco, or tea; — exercising certain trades;

(2.) Commits any fraud or other offence against the revenues of customs or excise or the laws relating thereto; — offending against revenue;

(3.) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea, or by shipwreck, or to their moneys, goods, or chattels; — guilty of corrupt practices

(4.) Lends his license; — lending license;

(5.) Acts as pilot whilst suspended; — acting when suspended;

(6.) Acts as pilot when in a state of intoxication; — acting when drunk;

(7.) Employs or causes to be employed on board any ship of which he has the charge any boat, anchor, cable, or other store, matter, or thing beyond what is necessary for the service of such ship, with the intent to enhance the expenses of pilotage for his own gain or for the gain of any other person; — unnecessarily causing expense;

(8.) Refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his license upon the signal for a pilot being made by such ship, or upon being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the pilotage authority by whom such pilot is licensed, or by any principal officer of customs; — declining to go off;

(9.) Unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any ship; — unnecessarily cutting or slipping cable;

(10.) Refuses, on the request of the master, to conduct the ship of which he has the charge into any port or place into which he is qualified to conduct the same, except on reasonable ground of danger to the ship; — refusing to conduct ship into port;

Offences of Pilots (General).

quitting ship.

(11.) Quits the ship of which he has the charge, without the consent of the master, before the service for which he was hired has been performed;

He shall for each such offence, in addition to any liability for damages, at the suit of the person aggrieved, incur a penalty not exceeding one hundred pounds, and be liable to suspension or dismissal by the pilotage authority by whom he is licensed; and every person who procures, abets, or connives at the commission of any such offence shall likewise, in addition to any such liability for damages as aforesaid, incur a penalty not exceeding one hundred pounds, and, if a qualified pilot, shall be liable to suspension or dismissal by the pilotage authority by whom he is licensed.

Penalty on pilot endangering ship, life, or limb.

366. If any pilot, when in charge of any ship, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship; or if any pilot, by wilful breach of duty or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb; the pilot so offending shall for each such offence be deemed guilty of a misdemeanor, and, if a qualified pilot, also be liable to suspension and dismissal by the authority by which he is licensed.

Penalty on pilot in charge of a ship doing her wilful injury.

367. If any person, by wilful misrepresentation of circumstances upon which the safety of a ship may depend, obtains or endeavours to obtain the charge of such ship, such person, and every other person procuring, abetting, or conniving at the commission of such offence, shall, in addition to any liability for damages at the suit of the party aggrieved, incur a penalty not exceeding one hundred pounds, and, if the offender is a qualified pilot, he shall also be liable to suspension or dismissal by the pilotage authority by which he is licensed.

General Power of Trinity House.

Power of Trinity House to alter regulations.

General Power of Trinity House.

368. The Trinity House may, in exercise of the general power herein-before given to all pilotage authorities of doing certain things in relation to pilotage matters, alter such of the provisions herein-after contained as are expressed to be subject to alteration by them in the same manner and to the same extent as they might have altered the same if such provisions had been contained in any previous Act of Parliament instead of in this Act.

Sub-Commissioners and Pilots (Trinity House).

Sub-Commissioners and Pilots (Trinity House).

369. The Trinity House shall continue to appoint sub-commissioners, not being more than five nor less than three in number for the purpose of examining pilots in all districts in which they have been used to make such appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners for any other district in which no particular provision is made by any Act of Parliament or charter for the appointment of pilots; but no pilotage district already under the authority of any sub-commissioners appointed by the Trinity House shall be extended, except with such consent as aforesaid, and no sub-commissioners so appointed shall be deemed to be pilotage authorities within the meaning of this Act.

Power of Trinity House to appoint sub-commissioners.

370. The Trinity House shall continue, after due examination by themselves or their sub-commissioners, to appoint and license under their common seal pilots for the purpose of conducting ships within the limits following or any portion of such limits; (that is to say,)

Trinity House to license pilots to act within certain limits.

(1.) "The London district," comprising the waters of the Thames and Medway as high as London Bridge and Rochester Bridge respectively, and also the seas and channels leading thereto or therefrom as far as Orfordness to the north and Dungeness to the south; so, nevertheless, that no pilot shall be hereafter licensed to conduct ships both above and below Gravesend:

(2.) "The English Channel district," comprising the seas between Dungeness and the Isle of Wight:

(3.) "The Trinity House outport districts," comprising any pilotage district for the appointment of pilots within which no particular provision is made by any Act of Parliament or charter.

371. Subject to any alteration to be made by the Trinity House, the names of all pilots licensed by the Trinity House shall be published in manner following; (that is to say,)

Publication of notice of licenses of pilots by the Trinity House of pilots.

(1.) The Trinity House shall at their house in London fix up a notice specifying the name and usual place of abode of every pilot so licensed, and the limits within which he is licensed to act:

(2.) The Trinity House shall transmit a copy of such notice to the Commissioners of Customs in London, and to the principal officers of customs resident at all ports within the limits for which such pilot is licensed; and such notice shall be posted up by the Commissioners at the Custom House in London, and by such

Sub-Commissioners and Pilots (Trinity House).

officers at the custom houses of the ports at which they are respectively resident.

Bonds to be given.

372. Subject to any alteration to be made by the Trinity House, every Trinity House pilot on his appointment shall execute a bond for one hundred pounds conditioned for the due observance on his part of the regulations and byelaws of the Trinity House, such bond to be free from stamp duty, and from any other charge except the actual expense for preparing the same.

Liability limited.

373. No qualified pilot who has executed such bond as is herein-before mentioned shall be liable for neglect or want of skill beyond its penalty and the amount of pilotage payable to him in respect of the voyage on which he is engaged.

Continuance and renewal of licenses.

374. Subject to any alteration to be made by the Trinity House, no license granted by them shall continue in force beyond the thirty-first day of January next ensuing the date of such license, but the same may, upon the application of the pilot holding such license, be renewed on such thirty-first day of January in every year, or any subsequent day, by indorsement under the hand of the secretary of the Trinity House, or such other person as may be appointed by them for that purpose.

Power to revoke and suspend licenses.

375. The Trinity House shall have power to revoke or suspend the license of any pilot appointed by them, in such manner and at such time as they think fit.

Compulsory Pilotage (Trinity House).

Penalty on masters of ships employing unlicensed pilots, or acting as pilot.

Compulsory Pilotage (Trinity House).

376. Subject to any alteration to be made by the Trinity House, and to the exemptions herein-after-contained, the pilotage districts of the Trinity House within which the employment of pilots is compulsory are the London district, and the Trinity House outport districts, as herein-before defined; and the master of every ship navigating within any part of such district or districts, who, after a qualified pilot has offered to take charge of such ship, or has made a signal for that purpose, either himself pilots such ship without possessing a certificate enabling him so to do, or employs or continues to employ an unqualified person to pilot her, shall for every such offence, in addition to the penalty herein-before specified, if the Trinity House certify in writing under their common seal that the prosecutor is to be at liberty to proceed for the recovery of such additional penalty, incur an additional penalty not exceeding five pounds for every fifty tons burden of such ship.

Compulsory Pilotage (Trinity House).

Trinity House to make regulations for a constant supply of qualified pilots at Dungeness.

377. Subject to any alteration to be made by the Trinity House, a sufficient number of qualified pilots shall always be ready to take charge of ships coming from the westward past Dungeness; and the Trinity House shall, by byelaw to be made in the same manner as other byelaws made under the powers herein contained, make such regulations with respect to the pilots under their control as may be necessary in order to provide for an unintermitted supply of qualified pilots for such ships, and to insure their constant attendance upon and due performance of their duty both by night and day, whether by cruizing between the South Foreland and Dungeness, or by going off from shore upon signals made for the purpose, or by both of such means, or by any other means, and whether in rotation or otherwise, as the Trinity House think fit.

Ship coming past Dungeness not having pilot on board to take the first qualified pilot who offers.

Penalty on masters failing to display usual signal for pilot.

378. Subject to any alteration to be made by the Trinity House, every master of any ship coming from the westward, and bound to any place in the rivers Thames and Medway, (unless she has a qualified pilot on board or is exempted from compulsory pilotage,) shall, on the arrival of such ship off Dungeness, and thenceforth until she has passed the south buoy of the Brake, or a line to be drawn from Sandown Castle to the said buoy, or until a qualified pilot has come on board, display and keep flying the usual signal for a pilot; and if any qualified pilot is within hail, or is approaching and within half a mile, and has the proper distinguishing flag flying in his boat, such master shall, by heaving-to in proper time or shortening sail, or by any practicable means consistent with the safety of his ship, facilitate such pilot getting on board, and shall give the charge of piloting his ship to such pilot; or if there are two or more of such pilots offering at the same time, to such one of them as may, according to the regulations for the time being in force, be entitled or required to take such charge; and if any such master fails to display or keep flying the usual signal for a pilot in manner herein-before required, or to facilitate any such qualified pilot as aforesaid getting on board as herein-before required, or to give the charge of piloting his ship to such pilot as herein-before mentioned in that behalf, he shall incur a penalty not exceeding double the sum which might have been demanded for the pilotage of his ship, such penalty to be paid to the Trinity House, and to be carried to the account of the Trinity House Pilot Fund.

Exemptions from compulsory pilotage.

379. The following ships, when not carrying passengers, shall be exempted from compulsory pilotage in the London district, and in the Trinity House outport districts; (that is to say,)

(1.) Ships employed in the coasting trade of the United Kingdom;

Compulsory Pilotage (Trinity House).

(2.) Ships of not more than sixty tons burden:

(3.) Ships trading to Boulogne or to any place in Europe north of Boulogne:

(4.) Ships from Guernsey, Jersey, Alderney, Sark, or Man, which are wholly laden with stone, being the produce of those islands:

(5.) Ships navigating within the limits of the port to which they belong:

(6.) Ships passing through the limits of any pilotage district on their voyages between two places both situate out of such limits, and not being bound to any place within such limits nor anchoring therein.

Extension of exemptions from compulsory pilotage.

379 *a.* The masters and owners of ships passing through the limits of any pilotage district in the United Kingdom on their voyages between two places both situate out of such districts shall be exempted from any obligation to employ a pilot within such district, or to pay pilotage rates when not employing a pilot within such district: Provided that the exemption contained in this section shall not apply to ships loading or discharging at any place situate within such district, or at any place situate above such district on the same river or its tributaries. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 41.)

Rates of Pilotage (Trinity House).

Rates of Pilotage (Trinity House).

Rates of pilotage.

380. Subject to any alteration to be made by the Trinity House, there shall continue to be paid to all Trinity House pilots, in respect of their pilotage services, such dues as are immediately before the time when this Act comes into operation payable to them in respect of such services.

Payment of pilotage due from foreign ships trading to and from the port of London.

381. Subject to any alteration to be made by the Trinity House, and notwithstanding anything herein-before contained, there shall be paid in respect of all foreign ships trading to and from the port of London, and not exempted from pilotage, the following pilotage dues; that is to say, as to ships inwards, the full amount of dues for the distance piloted, and as to ships outwards, the full amount of dues for the distance required by law; and payment of such pilotage dues shall be made to the collector of customs in the port of London by some one or more of the following persons; that is to say, the master or other person having the charge of such ship, or the consignees or agents thereof who have paid or made themselves liable to pay any other charge for such ship in the said port of London; and such pilotage may be recovered in the same manner as other pilotage dues are herein-before declared to be recoverable.

Rates of Pilotage (Trinity House).

382. Subject to any alteration to be made by the Trinity House, the said collector of customs shall, on receiving any pilotage dues in respect of foreign ships, give to the person paying the same a receipt in writing; and no officer of customs in the port of London shall grant a clearance or transire for any such foreign ship as aforesaid without the production of such receipt; and if any such ship attempts to go to sea without such clearance or transire, any such officer may detain her until the said receipt is produced.

Certificate of payment of pilotage to be given.

Application of such moneys by Trinity House.

383. Subject to any alteration to be made by the Trinity House, the said collector shall pay over to the Trinity House the pilotage dues received by him in respect of any foreign ship; and the Trinity House shall apply the same in manner following:

In the first place, in paying to any pilot who may bring sufficient proof of his having had the charge of such ship such dues as would have been payable to him for such pilotage service if the ship had been a British ship, after deducting therefrom the poundage due to the Trinity House:

In the second place, in paying to any unlicensed person who may bring sufficient proof of his having, in the absence of a licensed pilot, had the charge of such ship, such amount as the Trinity House may think proper, not exceeding the amount which would under similar circumstances have been payable to a licensed pilot, after deducting poundage:

And, lastly, shall pay over to the Trinity House Pilots Fund the residue, together with all poundage deducted as aforesaid.

Settlement of difference as to draught of ship.

384. Whenever any difference arises between the master and the qualified pilot of any ship trading to or from the port of London as to her draught of water, the Trinity House shall, upon application by either party, made, in case of a ship inward-bound, within twelve hours after her arrival or at some time before she begins to discharge her cargo, and in the case of a ship outward-bound before she quits her moorings, appoint some proper officer who shall measure the ship, and settle the difference accordingly: And there shall be paid to the officer measuring such ship, by the party against whom he decides, the following sums; (that is to say,) one guinea if the ship be below and half a guinea if the ship be above the entrance of the London Docks at Wapping.

Pilot Fund (Trinity House).

Pilot Fund (Trinity House).

Payments to be to the pilot fund.

385. Subject to any alteration to be made by the Trinity House, there shall continue to be paid to them, and carried

Pilot Fund (Trinity House).

over to the Trinity House Pilot Fund, the sums of money following; (that is to say,)

(1.) A poundage of sixpence in the pound upon the pilotage earnings of all pilots licensed by the Trinity House:

(2.) A sum of three pounds three shillings to be paid on the first day of January in every year by every person licensed by the Trinity House to act as pilot in any district not under the superintendence of sub-commissioners, or in any part of such district:

And any qualified pilot giving a false account of his earnings, or making default in payment of any sum due from him under this section, shall forfeit double the amount payable, and shall further be liable, at the discretion of the Trinity House, to suspension or dismissal.

Application of fund.

386. Subject to any prior charges that may be subsisting thereon by virtue of any Act or Acts of Parliament or otherwise, the said Trinity House Pilot Fund shall be chargeable in the first instance with such expenses as the Trinity House may duly incur in performance of their duties in respect of pilots and pilotage, and after payment thereof shall, subject to any alteration to be made by the Trinity House, be administered by the Trinity House for the benefit of such pilots licensed by them after the first day of October one thousand eight hundred and fifty-three as are incapacitated for the performance of their duty by reason of age, infirmity, or accident, or of the widows and children of pilots so licensed, or of such incapacitated pilots only.

Cinque Port Pilots.

Cinque Port Pilots.

Present Cinque Port pilots to be competent pilot vessels, to either inwards or outwards, within the limits for which they are now licensed.

386 *a.* All Cinque Port pilots duly licensed and authorised before this Act comes into operation to pilot any vessels from Dungeness or the Downs up the rivers Thames or Medway shall, notwithstanding the repeal and enactment herein-before contained, be authorised to pilot the like vessels within the same limits and in the same manner within and in which they might have lawfully piloted the same before the passing of this Act according to the terms of their existing licenses, and shall also by virtue of such existing licenses (without any license from the Trinity House in that behalf) be authorised to pilot the like vessels down the said rivers Thames and Medway, or from those rivers to the Downs or Dungeness, or from the west end of the Owers to the south buoy of the Brake, within the limits within which such existing licenses authorise them to act in piloting such vessels from the Downs to the said rivers, and up the same, or from the south buoy of the Brake to the west end of the Owers; and it shall be lawful for the Trinity House by a supplemental license to authorise any such Cinque Port pilot to pilot any vessels

Cinque Port Pilots.

in any parts of the rivers Thames and Medway or in any of the seas or channels leading to or from such rivers to which his existing license may not extend, after examination in respect of the further limits within which he is to be so licensed to act, and upon the payment of such fee, if any, as the said Trinity House may, with the consent of the Board of Trade, appoint for the purpose; and such supplemental license shall be taken to be part of and to be held upon the same conditions and subject to the same regulations in all respects as such existing license. (Pilotage Law Amendment Act, 1853, 16 & 17 Vict. c. 129. s. 3.)

The above-mentioned Cinque Port pilots to be subject to the same rules, &c. as Trinity House pilots.

386 *b.* The said Cinque Port pilots who have been so licensed as aforesaid before this Act comes into operation shall be subject to all the provisions of the *said Act of the sixth year of King George the Fourth, chapter one hundred and twenty-five,* [fifth part of the Merchant Shipping Act, 1854,*] and of any other Act now in force, which relate to pilots licensed by the Trinity House (*except such of them as are contained in the fourth section of the said Act of the sixth year of King George the Fourth*), and shall likewise be subject to the government and regulations of the Trinity House, and to all byelaws, rules, orders, or ordinances duly issued by it for the purpose of insuring the good conduct and constant attendance of pilots upon their duty, and to such penalties as may be duly annexed to the breach of the said regulations, byelaws, rules, orders, or ordinances, in the same manner and to the same extent in and to which pilots licensed by the said Trinity House are subject thereto. (Pilotage Law Amendment Act, 1853, 16 & 17 Vict. c. 129. s. 4.)

Present Trinity House pilots may pilot ships inwards within the limits of their licenses.

386 *c.* All pilots licensed before this Act comes into operation by the said Trinity House to pilot any vessels upon the rivers Thames and Medway, or from London Bridge to the Downs, or from the Isle of Wight to London Bridge, shall be authorised to pilot the like vessels from or by Dungeness up the rivers Thames and Medway, and from the south buoy of the Brake to the westward to the end of the Owers, or within such or so much of the same limits as under their present licenses they might act within in piloting such vessels down the said rivers or outwards or to the westward: Provided always, that nothing herein contained shall be deemed to confer any privilege of piloting above Gravesend and Stangate Creek respectively upon any pilots by whatever authority they may be licensed, except with the concurrence of the Trinity House in the case of each pilot. (Pilotage Law Amendment Act, 1853, 16 & 17 Vict. c. 129. s. 5.)

Merchant Shipping Repeal Act, 1854, 17 & 18 Vict. c. 120. s. 6.

Cinque Port Pilots.

Rates to be demanded for duties hitherto performed by Cinque Port pilots.

386 *d.* Until any such alteration as herein-after provided for be made, the rates and prices to be demanded and received by all pilots performing the duties hitherto performed by Cinque Port pilots shall be such rates and prices as have immediately before this Act comes into operation been lawfully demanded and received by such last-mentioned pilots; and it shall be lawful for the said Trinity House to increase, reduce, alter, or modify all or any of the said rates or prices, or to substitute other rates or prices in lieu thereof, with the same consent, in the same manner, and subject to the same conditions with, in, and subject to which the Trinity House is empowered to increase, reduce, alter, and modify the rates and prices to be demanded and received by pilots licensed by it, or to substitute other rates and prices in lieu of such last-mentioned rates and prices, but so that in no case shall any higher rate be imposed or demanded than might have been imposed or demanded if this Act had not passed. (Pilotage Law Amendment Act, 1853, 16 & 17 Vict. c. 129. s. 8.)

Existing Cinque Port pilots to have same remedies for the recovery of rates as Trinity House pilots.

386 *e.* All rates and prices which may be lawfully demanded or received by the said Cinque Port pilots licensed before this Act comes into operation, or by any other pilots licensed by or under the government of the Trinity House, shall be recoverable in the same manner in which rates and prices lawfully demanded or received by pilots licensed by the Trinity House under the *said Act of the sixth year of King George the Fourth* [fifth part of the Merchant Shipping Act, 1854,*] are by that Act made recoverable. (Pilotage Law Amendment Act, 1853, 16 & 17 Vict. c. 129. s. 9.)

Property of Society of Cinque Port Pilots to be transferred to Trinity House.

386 *f.* All property of every kind, whether real or personal, which may belong to or be held by the Court of Loadmanage or the said Society of Cinque Port Pilots, or any branch thereof, or any officer of the said society, or any other person as trustee for the said society, or any branch thereof, or which may be legally applicable for the benefit of the said society or of the members thereof, or for any purposes connected with pilotage, (including a piece of land near Dover which was by indentures of lease and release, dated respectively the sixteenth and seventeenth days of August one thousand seven hundred and twenty-six, conveyed to trustees therein named, upon certain trusts, for the poor of the Trinity House of Dover,) shall, upon the passing of this Act, belong to and become vested in the Trinity House of Deptford Strond; and the said Trinity House shall have power to sell the same or any part thereof as occasion may require, and to give full discharges for the purchase money of any part thereof

* Merchant Shipping Repeal Act, 1854, 17 & 18 Vict. c. 120. s. 6.

Cinque Port Pilots.

Payments to Cinque Port Pilots Fund to be made henceforth to the Trinity House.

which may be sold; and all moneys which if this Act had not passed would have been paid for any purpose connected with the relief or benefit of Cinque Port pilots, their appointees, widows, or issue, either in respect of surplus duties on foreign vessels, or by way of fees or contributions from Cinque Port pilots licensed before this Act comes into operation, and all sums which would if this Act had not passed been payable by such pilots as Trinity money or clerks fees, and all penalties or fines payable by or in respect of such pilots shall, save as such contributions, Trinity money, or clerks fees may be varied or remitted under the regulations to be made and approved as herein-after mentioned, and save also such of the said contributions as may cease by reason of any such purchases or commutations of claims as herein-after provided for be paid to the Trinity House, and the said property and moneys shall be carried to and form part of the pilotage funds of the Trinity House. (Pilotage Law Amendment Act, 1853, 16 & 17 Vict. c. 129. s. 10.)

Trinity House to pay debts and to settle the claims of persons now in receipt of relief, and of existing Cinque Port pilots.

386 *g*. The said Trinity House shall, out of their said pilotage fund, pay all debts, if any, lawfully and properly incurred by the said Court of Loadmanage before this Act comes into operation, and also such compensation or superannuation allowances (if any) as the Board of Trade may in its discretion allow to any persons now in the employ or service of the Court of Loadmanage, or of the Lord Warden of the Cinque Ports, or of the Society of Cinque Port Pilots, who may be deprived of salaries or emoluments by reason of the passing of this Act, so that no such compensation or superannuation allowance shall exceed the proportion of salary or emoluments which might be granted under similar circumstances to a person in the public civil service under the Act of the fourth and fifth years of King William the Fourth, chapter twenty-four; and may in the next place, subject to the regulations to be made and approved as herein-after mentioned, either purchase out of the said funds the claims of all or any of the persons who, but for the passing of this Act, would have been in the receipt of pensions or other relief either out of the said Cinque Port Pilots Fund, or under any byelaws of the said society now in force, or who have already paid widows dues, or have otherwise contributed to the relief of superannuated Cinque Port pilots, or of the widows, appointees, or issue of Cinque Port pilots, such purchases to be made upon such terms as may be determined by the said regulations, or may, subject as aforesaid, continue to pay out of the said funds pensions or other relief to all or any of the persons who might if this Act had not passed have received the same out of the said funds or under any byelaws of the said society now in force, such pensions or other relief to be of such amount as may be determined by the said regulations to be made and approved

Cinque Port Pilots.

Trinity House may enable existing Cinque Port pilots to purchase an interest in the Trinity House Pilots Fund.

as herein-after mentioned; and the Trinity House may, subject to such regulations, make arrangements for enabling any person who, but for the passing of this Act, would be entitled to a pension or other relief under the byelaws of the said Society of Cinque Port Pilots now in force, or any Cinque Port pilot licensed before this Act comes into operation, to purchase an interest in the said Trinity House Pilots Fund; and the terms of such purchase, including the amount and nature of such interest, and the consideration payable for the same shall be determined by such regulations as aforesaid; and every Cinque Port pilot who chooses to make such purchase shall thereafter pay to the said Trinity House the same contributions, whether by way of poundage or otherwise, as are for the time being payable by pilots licensed by the Trinity House. (Pilotage Law Amendment Act, 1853, 16 & 17 Vict. c. 129. s. 11.)

As to charges on Trinity House Pilotage Fund, and its future management.

386 *h.* The said Trinity House shall also out of their said pilotage funds pay all such superannuation allowances or other relief to pilots licensed by them before this Act comes into operation, or to the widows and children of such pilots, as might have been payable by the said Trinity House if this Act had not passed; and, subject to the charges aforesaid, the said Trinity House Pilots Fund shall be chargeable in the first instance with such expenses as the said Trinity House may duly incur in the performance of its duties in respect of pilots and pilotage, so nevertheless that no superannuation allowance to any person in the employ of the said Trinity House which is included in such expenses shall exceed the proportion of his salary which might be granted under similar circumstances to a person in the public civil service under the Act of the fourth and fifth years of King William the Fourth, chapter twenty-four, or under any other Act for regulating such superannuation allowances for the time being in force; and subject thereto, the said Trinity House Pilots Fund shall be administered by the said Trinity House for the benefit of such pilots licensed by the said Trinity House after this Act comes into operation as are incapacitated for the performance of their duty by reason of age, infirmity, or accident, and of the widows and children of pilots so licensed, or of such incapacitated pilots only, upon such conditions and under such regulations as the said Trinity House, with the consent of the Board of Trade, may think fit to adopt; and if it appears to the said Trinity House that the contributions for the time being payable to the said Trinity House Pilots Fund are insufficient to enable them to grant allowances of proper and adequate amount, it shall be lawful for the said Trinity House, with such consent and subject to such regulations as aforesaid, from time to time to increase and alter the amount of the annual contribution, or of the poundage upon the sums

earned by pilots, which under the fourth section of the said Act of the sixth year of the reign of King George the Fourth, chapter one hundred and twenty-five, pilots licensed by the said Trinity House are required to pay to the said pilotage fund. (Pilotage Law Amendment Act, 1853, 16 & 17 Vict. c. 129. s. 12.)

Cinque Port Pilots.

386 *i.* And whereas it is intended that Cinque Port pilots licensed before this Act comes into operation, their widows and appointees, shall, as a body, receive, under the provisions herein-before contained, benefits equal in amount to the benefits which they might lawfully and properly have received out of the several funds and payments so transferred to the Trinity House as aforesaid if this Act had not passed: And whereas it has been estimated that the funds and payments so transferred, including the principal as well as the interest of the said funds, would, if duly applied, be sufficient to carry the said intention into effect; but in consequence of the numerous contingencies involved it is impossible to calculate with certainty the amount which will be necessary for that purpose, or to determine with precision the manner in which such amount shall be applied, and it is therefore expedient that all due claims of the said Cinque Port pilots, their widows, appointees, and issue, should be provided for by the said Trinity House out of their general pilotage funds as herein-before provided, and that the Board of Trade and the Trinity House should be intrusted with such powers as are necessary for settling the said claims, and for carrying into effect the provisions herein-before contained in respect thereof: Be it enacted, that for the purpose of carrying the said intention and provisions into effect the said Trinity House may, with the approval of the Board of Trade, from time to time make regulations for altering and determining the payments and contributions to be made by Cinque Port pilots licensed before this Act comes into operation, and for settling, purchasing, and commuting the claims of persons now in receipt of relief from the said Cinque Port Pilots Fund, and of the said Cinque Port pilots licensed before this Act comes into operation, their widows, appointees, and issue, and for determining the terms and conditions on which such settlement is to be made, and in framing such regulations due regard shall be had to the intention herein-before expressed; and the said Trinity House may also, with such consent as aforesaid, from time to time make regulations for the future management of the Trinity House Pilots Fund, and also for the management and maintenance of any pilot boats or cutters belonging to the said Cinque Port pilots, or to any pilots for the time being under the government of the said Trinity House, and for the distribution of the earnings (if any) of such boats or cutters, and for the succession to, purchase of, or transfer of any interests therein; and all such regulations, after being

Recital of principles upon which claims of Cinque Ports pilots are to be settled.

Trinity House, with consent of Board of Trade, may make regulations for settling the above claims.

Cinque Port Pilots.

approved of by the Board of Trade, shall be binding upon all parties. (Pilotage Law Amendment Act, 1853, 16 & 17 Vict. c. 129. s. 13.)

Alteration of payments made to Trinity House Pilotage Fund by Cinque Port pilots.

386 *j*. Whereas in pursuance of the Pilotage Law Amendment Act, 1853, the several funds then belonging to the Cinque Ports pilots were merged into the common fund called the Trinity House Pilotage Fund, and by the same Act power was given to the Trinity House of Deptford Strond, with the approval of the Board of Trade, from time to time to make regulations for altering and determining the payments and contributions to be made to the said pilotage fund by Cinque Ports pilots licensed before the said Act came into operation: And whereas by one of the regulations made under the authority of the said Act it was provided that each of the said Cinque Ports pilots should pay towards the said fund eleven shillings for each turn: And whereas it has proved that the turns have been more numerous than was expected, and that the sums paid to the Trinity House, and carried to the credit of the said fund, in respect of the said turns have been larger than was assumed in making the calculations upon which the said regulation was based: And whereas it is expedient that in lieu of the said sum of eleven shillings per turn the fixed annual sum of thirteen pounds four shillings should for the future be paid by or in respect of each of the said pilots so long as he remains unsuperannuated, and that the excess of the sum heretofore paid in each year by each pilot over the sum of thirteen pounds four shillings should be returned: And whereas doubts have been entertained whether the purposes aforesaid can be effected without the authority of Parliament: Be it enacted, that the Trinity House of Deptford Strond shall, out of the Trinity House Pilotage Fund, repay to each of the Cinque Ports pilots licensed before the Pilotage Law Amendment Act, 1853, came into operation, or if he be deceased, to his executors or administrators, the aggregate sum by which the sum of eleven shillings per turn heretofore paid by him exceeds the sum which he would have paid if he had paid thirteen pounds four shillings per annum; and that each of the said pilots shall, while he continues to act as a pilot, pay to the said Trinity House the sum of eleven shillings per turn as heretofore, from the first day of January in each year, until the sums contributed in the same year amount to an aggregate sum equal to the product of thirteen pounds four shillings multiplied by the number of pilots licensed as above who are then surviving and unsuperannuated, and that when such aggregate sum is made up no further contributions shall be required from the said pilots until after the thirty-first day of December in the same year; and if the said contributions during any one year fall short of the said aggregate sum, the said pilots then surviving and unsuperannuated shall, at such time and in such manner as the Trinity House may direct,

make good such deficiency by payment of an additional contribution per man, to be calculated pro ratâ upon the number of turns which each may have carried during the said year, and any such pilot failing to pay such additional contribution shall, in default of such payment, become liable to immediate removal from active service and superannuation upon such proportion of the full pension payable to such pilot as the Trinity House may see fit. (Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 10.)

Cinque Port Pilots.

Bristol Channel Pilots.

Bristol Channel Pilots.

386 *k.* Whereas under the provisions of the Bristol Channel Pilotage Act, 1861, pilotage authorities have been established at the ports of Newport and Gloucester, and the pilots theretofore licensed by the Trinity House of Deptford Strond for those parts have ceased to be so licensed: And whereas no provision has been made by the said Act for dealing with such interests as the said pilots may have in the Trinity House Pilot Fund mentioned in the principal Act: Be it therefore enacted, that, notwithstanding the said pilots have ceased to be licensed by the Trinity House, the Trinity House may make such an equitable arrangement in the administration of the Trinity House Pilot Fund mentioned in the principal Act with reference to the interests of the pilots so ceasing to be licensed by them as aforesaid as they may in their discretion think fit. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 42.)

Arrangement of pilot funds for Bristol Channel pilots.

Appointment of Sub-Commissioners by Trinity Houses of Hull and Newcastle.

Appointment of Sub-Commissioners by Trinity Houses of Hull and Newcastle.

387. The two corporations of the Trinity Houses of the ports of Hull and Newcastle shall continue to appoint sub-commissioners, not being more than seven nor less than three in number, for the purpose of examining pilots in all districts in which they have been used to make such appointments, and may, with the consent of Her Majesty in Council, but not otherwise, appoint like sub-commissioners for any other district situate within their respective jurisdictions; but no pilotage district already under the authority of any sub-commissioners appointed by either of the said corporations shall be extended, except with such consent as aforesaid; and no sub-commissioners appointed or to be appointed by the Trinity Houses of Hull and Newcastle shall be deemed to be pilotage authorities within the meaning of this Act, nor shall anything in this Act contained be held to confer upon the commissioners for regulating the pilotage of the port of Kingston-upon-Hull and of the river Humber any jurisdiction of a different nature or character from that which they have heretofore exercised.

Power to Trinity Houses of Hull and Newcastle to appoint sub-commissioners.

Saving of Owners and Masters Rights.

Limitation of liability of owner where pilotage is compulsory.

Saving of Owners and Masters Rights.

388. No owner or master of any ship shall be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any qualified pilot acting in charge of such ship, within any district where the employment of such pilot is compulsory by law.

PART VI.

LIGHTHOUSES.

Management of Lighthouses.

Management of Lighthouses.

Management of lighthouses, buoys, and beacons to be in Trinity House, Commissioners of Northern Lighthouses, and Port of Dublin Corporation.

389. Subject to the provisions herein-after contained, and subject also to any powers or rights now lawfully enjoyed or exercised by any person or body of persons having by law or usage authority over local lighthouses, buoys, or beacons, herein-after termed "local authorities," the superintendence and management of all lighthouses, buoys, and beacons shall be vested in the following bodies; that is to say,

In England and Wales, and the islands of Jersey, Guernsey, Sark, and Alderney, and the adjacent seas and islands, and in Heligoland and Gibraltar, in the Trinity House;

In Scotland and the adjacent seas and islands, and in the Isle of Man, in the Commissioners of Northern Lighthouses herein-after mentioned;

In Ireland and the adjacent seas and islands, in the *Port of Dublin Corporation*;*

and, subject to the provisions herein-after contained, the said Trinity House, Commissioners, and Corporation (herein-after termed general lighthouse authorities), shall respectively continue to hold and maintain all property now vested in them in that behalf in the same manner and for the same purposes as they have hitherto held and maintained the same.

Incorporation of Commissioners of Northern Lighthouses.

390. The persons holding the following offices shall be a body corporate under the name of the Commissioners of Northern Lighthouses; that is to say,

(1.) The Lord Advocate and the Solicitor-General for Scotland;

(2.) The Lords Provosts of Edinburgh and Glasgow, and the Provosts of the cities of Aberdeen, Inverness, and Campbeltown;

(3.) The eldest bailies of Edinburgh and Glasgow;

(4.) The sheriffs of the counties of Edinburgh, Lanark, Renfrew, Bute, Argyle, Inverness, Ross, Orkney, Caithness, Aberdeen, Ayr, Fife, Forfar, Wigton, Sutherland, Kincardine, Kircudbright, and Elgin;

and shall have a common seal; and any five of such commissioners shall constitute a quorum, and shall have power to do all such matters and things as might be done by the whole body of Commissioners.

Power to elect certain new members.

391. In addition to the persons above mentioned, it shall be lawful for the said Commissioners, at any time after this Act comes into operation, to elect the provost or chief magis-

* Name changed to Commissioners of Irish Lights by Dublin Port Act, 1867 (local and personal) 30 Vict. c. 81.)

Management of Lighthouses

trate of any Royal or Parliamentary burgh on or near any part of the coasts of Scotland, and the sheriff of any county abutting on such coasts.

Trinity House may inspect lighthouses in Scotland and Ireland.

392. The Trinity House, their engineers, workmen, and servants, may at all times enter any lighthouses within the jurisdiction of the said Commissioners or Corporation to view the condition thereof or otherwise for the purposes of this Act.

Board of Trade may appoint persons to inspect lighthouses, &c.

393. The Board of Trade may, upon complaint to the effect that any lighthouse, buoy, or beacon under the management of any of the said general lighthouse authorities, or any work connected therewith, is inefficient or improperly managed or unnecessary, authorise persons to inspect the same; and every person so authorised may inspect the same accordingly, and make such inquiries in respect thereof, and of the management thereof, as he may think fit; and all officers and others having the care of such lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish all such information and explanations in relation thereto as he may require; and the said general lighthouse authorities, and their respective officers, shall at all times give to the Board of Trade all such returns, explanations, or information in relation to the lighthouses, buoys, or beacons within their jurisdiction, and the management thereof, as such Board may from time to time require.

Power to general lighthouse authorities to control local authorities.

394. Each of the said general lighthouse authorities, upon giving due notice of their intention, shall have power, with the sanction of the Board of Trade, to compel any local authority having jurisdiction in the matter of lighthouses, buoys, or beacons at any place situate within the jurisdiction of such general lighthouse authority, to lay down buoys, or to remove or discontinue any existing lighthouse or beacon, or to make any variation in the character of any lighthouse, or in the mode of exhibiting lights therein; and no such local authority as aforesaid shall erect any new lighthouse, or remove or discontinue any lighthouse, or vary the character of any lighthouse, or the mode of exhibiting lights therein, without the sanction of the general lighthouse authority within whose jurisdiction the same is situate.

Lights, &c. under local authorities to be inspected, &c. by Trinity House and other general authorities.

394 *a.* The following rules shall be observed with respect to the inspection of local lighthouses, buoys, and beacons; that is to say,

(1.) It shall be the duty of each of the general lighthouse authorities, or of such persons as may be authorised by such authority for the purpose, to inspect all lights, buoys, and beacons situate within the limits

Management of Lighthouses.

of the jurisdiction of such general authority but belonging to or under the jurisdiction of any local authorities, and to make such inquiries in respect thereof and of the management thereof as they may think fit:

(2.) All officers and others having the care of such lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish all such information and explanations concerning the same as they may require:

(3.) All such local authorities and their respective officers shall at all times give to the inspecting authority all such returns, explanations, or information concerning the lighthouses, buoys, and beacons within their jurisdiction, and the management thereof, as the said authority may from time to time require:

(4.) The inspecting authority shall communicate to each local authority the results of its inspection of the lighthouses, buoys, and beacons within its jurisdiction, and shall also make general reports of the results of its inspection of local lighthouses, buoys, and beacons to the Board of Trade; and such reports shall be laid before Parliament:

(5.) The powers given by the 394th section of the principal Act to the general lighthouse authorities shall, so far as the same are applicable, extend and apply to the case of local buoys and beacons other than local buoys and beacons placed or erected for temporary purposes, as well as to the case of local lighthouses. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 43.)

In case of default by local bodies, local lighthouses may be transferred to general lighthouse authorities.

395. If any local authority having power to erect, maintain, or place any local lighthouse, buoy, or beacon at any place within the jurisdiction of one of the said general lighthouse authorities fails so to do, or fails to obey any direction given by such authority under the last preceding section, Her Majesty may, upon application from such general lighthouse authority, by Order in Council direct that such power as aforesaid shall be transferred to such last-mentioned authority; and such power, together with all powers of levying and receiving dues in respect of such lighthouse, buoy, or beacon, shall thereupon become vested in such last-mentioned authority; and such lighthouse, with its appurtenances, and also such buoy or beacon, and all dues leviable in respect thereof, shall thenceforth be subject in all respects to the same regulations as other lighthouses and light dues, buoys, and beacons provided for by this Act.

Light Dues.

Dues to be levied.

396. Subject to any alterations to be made under the powers herein-after contained, the said general lighthouse authorities shall, in respect of the existing lighthouses, buoys, or beacons within their respective jurisdictions, continue to levy dues, herein-after called light dues, after the rate at which the same are levied at the time when this Act comes into operation; and such light dues shall be payable in respect of all ships whatever, except ships belonging to Her Majesty and ships hereby exempted from payment thereof.

Dues may be levied for local lights.

396 *a.* If any lighthouse, buoy, or beacon is erected or placed or reconstructed, repaired, or replaced by any local authority having jurisdiction in the matter of lighthouses, buoys, or beacons, Her Majesty may, on the application of the said local authority, by Order in Council fix such dues to be paid to the said local authority in respect of every ship which enters the port or harbour under the jurisdiction of such local authority or the estuary wherein such lighthouse, buoy, or beacon is situate, and which passes the said lighthouse, buoy, or beacon, and derives benefit therefrom, as Her Majesty may deem reasonable.

The dues for the time being fixed by any such Order in Council as aforesaid shall be paid accordingly by the master of the said ship or other person or persons by whom the said light dues, if levied by one of the general lighthouse authorities, would be payable, and shall be recoverable in the same manner as light dues payable to such general authorities are recoverable. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 46.)

Lights due to be subject to revision by Her Majesty in Council.

397. Her Majesty may, by and with the advice of Her Privy Council, from time to time reduce all or any of the dues for the time being payable in respect of existing or future lighthouses, buoys, or beacons, for the time being under the management of the said general lighthouse authorities; and may also, by and with the like advice, from time to time increase or vary any of such dues, so that no dues payable in respect of any lighthouse, buoy, or beacon existing at the time when this Act comes into operation are made to exceed the amount which has at any period previous to such time been received in respect thereof, or to which the said dues might during any part of such period as last aforesaid lawfully have been raised.

Powers of general lighthouse authorities.

398. Each of the said general lighthouse authorities shall have power, with the consent of Her Majesty in Council, to do any of the following things; that is to say

Light Dues.

To exempt any ships or any classes of ships from the payment of light dues receivable by such authority and to annex any terms or conditions to such exemptions:

to alter and regulate dues.

To alter the times, places, and modes at and in which the light dues receivable by such authority are payable:

To substitute any other dues or class of dues, whether by way of annual payment or otherwise, in respect of any ships or classes of ships, for the dues payable to such authority for the time being.

Publication of dues and regulations.

399. Tables of all light dues, and a copy of the regulations for the time being in force in respect thereof, shall be posted up at all custom houses within the United Kingdom; and each of the said general lighthouse authorities shall from time to time as occasion requires furnish copies of such tables and regulations to the Commissioners of Customs in London, and to the principal officers of customs resident at all places where light dues are collected on account of such lighthouse authority; and such copies shall be posted up by the Commissioners at the Custom House in London, and by such officers at the custom houses of the places at which they are respectively resident.

Ship not to be cleared without production of receipt for light dues.

400. A receipt for light dues shall be given by the person appointed to collect the same to every person paying the same, and no officer of customs at any port where light dues are payable in respect of any ship shall grant a clearance or transire for any such ship unless the receipt for the same is produced to him.

Liability for and recovery of light dues.

400 *a*. The following persons shall be liable to pay light dues for any ship in respect of which light dues are payable; (that is to say,) the owner or master, or such consignees or agents thereof as have paid or made themselves liable to pay any other charge on account of such ship in the port of her arrival or discharge, and in default of payment such light dues may be recovered in the same manner as penalties of the like amount may be recovered by virtue of the principal Act. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 44.)

Powers of consignees to retain light dues paid by them.

400 *b*. Every consignee and agent (not being the owner or master) hereby made liable for the payment of light dues in respect of any ship may, out of any moneys in his hands received on account of such ship, or belonging to the owner thereof, retain the amount of all dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment or liability. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 45.)

Power of distress for light dues.

401. If the owner or master of any ship fails, on demand of the authorised collector, to pay the light dues due in

Light Dues.

respect thereof, it shall be lawful for such collector, in addition to any other remedy which he or the authority by whom he is appointed is entitled to use, to enter upon such ship, and distrain the goods, guns, tackle, or any other thing of or belonging to or on board such ship, and to detain such distress until the said light dues are paid; and if payment of the same is not made within the period of three days next ensuing such distress, he may, at any time during the continuance of such nonpayment, cause the same to be appraised by two sufficient persons or sworn appraisers, and thereupon sell the same, and apply the proceeds in payment of the light dues due, together with all reasonable expenses incurred by him under this section, paying the surplus (if any), on demand, to the said owner or master.

Light dues, how to be paid over and accounted for.

402. Every person appointed to collect light dues by any of the said general lighthouse authorities shall collect all light dues payable at the port or place at which he is so appointed, whether the same be collected on account of such last-mentioned authority or of the other general lighthouse authorities, and shall pay over to the general lighthouse authority by whom he was appointed, or as it directs, the whole amount of light dues received by him; and the authority so receiving the same shall keep accounts thereof, and shall cause the same to be remitted to Her Majesty's Paymaster General in such manner as the Board of Trade directs.

Application of light dues.

403. All light due coming to the hands of any of the said general lighthouse authorities under this Act shall be carried to the account of the Mercantile Marine Fund herein-after mentioned, and shall be dealt with in manner herein-after prescribed.

Dues levied on ships not to be sold or charged without consent of the Board of Trade.

403 *a*. No dues, tolls, rates, or charges of what nature soever levied or leviable, or hereafter to be levied or leviable, on any ships, or on any goods carried in any ship, in any port of Great Britain or Ireland for any purpose whatever, shall be sold, mortgaged, or charged in any manner or for any purpose without the consent of the Board of Trade first obtained, such consent to be signified by writing under the hand of one of the secretaries or assistant secretaries to such Board; and any sale, mortgage, or charge of any such dues, tolls, rates, or charges made after the passing of this Act without such consent shall be absolutely void, except in the following cases; that is to say, in the case of any sale, mortgage, or charge of any dues, tolls, rates, or charges levied for the use of any dock or other undertaking intended solely for the benefit of shipping, where the moneys raised by the

sale, mortgage, or charge are to be applied exclusively for the purposes of the undertaking for the use of which such dues, rates, tolls, or charges are levied or leviable in the case of any mortgage or charge made under the authority of any Act of Parliament for the purpose of raising money to pay the costs of any work constructed or duly contracted for before the passing of this Act, and in the case of any mortgage or charge made or continued under any powers of reborrowing or continuing money on mortgage or bond given by any Act of Parliament for the purposes of any work so constructed or contracted for as aforesaid. (Merchant Shipping Law Amendment Act, 1853, 16 & 17 Vict. c. 131. s. 24.)

Light Dues.

403 *b.* All light dues leviable by any local authority under this Act shall be applied for the purposes of the construction, placing, maintenance, and improvement of the lighthouses, buoys, and beacons in respect of which the same are levied, and for no other purpose.

Application of and accounts of dues for local lights.

The local authority to whom the same are paid shall keep a separate account of the receipt and expenditure of such dues, and shall once in every year, or at such other time as the Board of Trade may determine, send a copy of such account to the Board of Trade, and shall send the same in such form and shall give such particulars in relation thereto as the Board of Trade may require.

Her Majesty may by Order in Council from time to time reduce, alter, or increase all or any of such dues, so that the same may, so far as it is practicable, be sufficient and not more than sufficient for the payment of the expenses incurred by the local authority in respect of the lighthouses, buoys, or beacons for which the dues are levied. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 47.)

Construction of and Dues for New Lighthouses.

New Lighthouses.

404. Each of the said general lighthouse authorities shall have power, within its jurisdiction, to execute the following works and do the following things; (that is to say,)

Power to lighthouse authorities to erect, place, and alter lighthouses, buoys, and beacons.

(1.) To erect or place new lighthouses, with all requisite works, roads, and appurtenances, or alter or remove any existing lighthouses:

(2.) To erect or place any new buoys or beacons, or alter or remove any existing buoys or beacons:

(3.) To take and purchase any land which may be necessary for the above purposes, or for the maintenance of the works or the residence of the light-keepers:

(4.) To vary the character of any lighthouse or the mode of exhibiting lights therein:

(5.) To sell any land belonging to it:

New Lighthouses.

But the exercise of the above power shall, in the case of the said Commissioners and Corporation, be subject to the restrictions herein-after contained.

This power in the case of the Commissioners and Corporation to be subject to approval by Trinity House, with appeal to Board of Trade.

405. Previously to undertaking any such work as aforesaid, the said Commissioners or Corporation, as the case may be, shall forward a notice specifying fully the nature of the work proposed to be undertaken by them, and their reasons for undertaking the same, to the Trinity House, who shall take the proposed scheme into their consideration, and notify to the said Commissioners or Corporation their approval or rejection thereof, with or without modifications; but no such notification shall be binding on the said Commissioners or Corporation until the same has been sanctioned by the Board of Trade in manner herein-after mentioned; and at any time previous to such sanction being given the said Commissioners or Corporation may forward to the Trinity House and the Board of Trade, or either of them, any objections to, or observations upon, or suggestions in respect of such notification.

Sanction of Board of Trade, how to be obtained.

406. In order to obtain such sanction as aforesaid, the Trinity House shall forward a copy of their notification, accompanied by copies of all communications that have passed between the Trinity House and the said Commissioners or Corporation, to the Board of Trade; and such Board shall have power to give any directions they may think fit in relation to the matters submitted to them, by granting or withholding their sanction, either wholly or partially, and either with or without modification.

Trinity House to inform lighthouse authorities of decision of Board of Trade.

407. The Trinity House shall forthwith communicate the directions given by the Board of Trade in relation to the matters aforesaid to the said Commissioners or Corporation, and the said Commissioners or Corporation shall, upon the receipt of such directions, be bound to act in conformity therewith, and to do or forbear doing anything thereby directed to be done or forborne.

Power to Trinity House, with sanction of Board of Trade, to compel execution of works by Commissioners and Corporation.

408. The Trinity House shall have power to direct the said Commissioners and Corporation, or either of them, to execute the following works; (that is to say,)

(1.) To continue any existing lighthouses, buoys, or beacons:

(2.) To erect or place any new lighthouses, buoys, or beacons, or alter or remove any existing lighthouses, buoys, or beacons:

(3.) To vary the character of any lighthouse, or the mode of exhibiting lights therein:

But no such directions shall be issued to the said Commissioners or Corporation until the issue thereof has been sanctioned by the Board of Trade, such sanction to be

obtained by the Trinity House in manner herein-after mentioned.

New Lighthouses.

409. Previously to issuing any such directions as aforesaid, the Trinity House shall make an application to the Board of Trade, stating fully the nature of the work to which such directions relate and their reasons for directing the same, and shall at the same time give notice to the said Commissioners or Corporation respectively of such their application, by causing written notice of the said application and a copy of the proposed directions to be left at or sent to the office of the said Commissioners in Edinburgh or the office of the said Corporation in Dublin, as the case may be, and opportunity shall be afforded to the said Commissioners or Corporation to submit any observations they may see fit to make with respect to such application to the Trinity House and to the Board of Trade, and if thereupon the said Trinity House adhere to their said directions, and if the Board of Trade concur therein, and if such adherence and concurrence is duly notified to the said Commissioners or Corporation, it shall be their duty, within a reasonable time after such notification is made, to carry the said directions into effect.

Sanction of Board of Trade, how to be obtained.

410. Upon the completion of any new lighthouse, buoy, or beacon, Her Majesty may by Order in Council fix such dues in respect thereof to be paid by the master or owner of every ship which passes the same or derives benefit therefrom as Her Majesty may deem reasonable, and may from time to time alter the amount thereof; and such dues shall be paid and collected in the same manner, by the same means, and subject to the same conditions in, by, and subject to which the light dues authorised to be levied by this Act are paid and collected.

Her Majesty may by Order in Council fix dues to be taken for new lighthouses.

411. No dues for any lighthouse, buoy, or beacon to be erected or placed in or near the islands of Guernsey, Jersey, Sark, or Alderney shall be taken in the said islands of Guernsey or Jersey without the consent of the States of the said islands respectively; nor shall any powers herein-before given to the Trinity House in respect of any lighthouse, buoy, or beacon erected or placed in the islands of Guernsey or Jersey, or hereafter to be erected or placed in such islands, be exercised without the consent of Her Majesty in Council.

No dues to be levied in the Channel Islands without consent of the States, and no power to be exercised therein but by Order in Council.

412. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Act (Scotland), 1845, shall be incorporated in this Act, and shall apply to all lighthouses to be constructed and all land to be purchased under the powers thereof.

Incorporation of 8 & 9 Vict. cc. 18 and 19.

Surrender of Local Lighthouses.

Local lighthouses may be surrendered to general lighthouse authorities.

Surrender of Local Lighthouses.

413. Every local authority holding any lighthouse, buoy, or beacon at any place within the jurisdiction of any of the said general lighthouse authorities may, if they think fit, surrender or sell the same to such general lighthouse authority, and such authority may, with the consent of the Board of Trade, accept or purchase the same, the purchase money (if any) to be paid out of the said Mercantile Marine Fund; and thereupon such lighthouse and its appurtenances, or such buoy or beacon, as the case may be, shall become vested in such authority, and such authority shall be entitled to receive all dues lawfully payable in respect thereof at the time of such surrender or sale, or, if Her Majesty by Order in Council so directs, such dues as might be fixed and made payable if the same were a new lighthouse, buoy, or beacon; and such lighthouse, buoy, or beacon, and the dues payable in respect thereof, shall, after such surrender or sale, be subject in all respects to the same regulations as other lighthouses and light dues, buoys, and beacons provided for by this Act.

Damage to Lights, Buoys, and Beacons.

Penalty for injuring lights, buoys, and beacons.

Damage to Lights, Buoys, and Beacons.

414. If any person wilfully or negligently commits any of the following offences; (that is to say,)

(1.) Injures any lighthouse or the lights exhibited therein, or any buoy or beacon;

(2.) Removes, alters, or destroys any light ship, buoy, or beacon;

(3.) Rides by, makes fast to, or runs foul of any light ship or buoy;

he shall, in addition to the expenses of making good any damage so occasioned, incur a penalty not exceeding fifty pounds.

Prevention of False Lights.

General lighthouse authorities may prohibit false lights.

Prevention of False Lights.

415. Whenever any fire or light is burnt or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, it shall be lawful for the general lighthouse authority within whose jurisdiction such place is situate to serve a notice upon the owner of the place where the fire or light is burnt or exhibited, or on the person having the charge of such fire or light, either personally or by delivery at the place of abode of such owner or person, or by affixing the same in some conspicuous spot near to such fire or light, and by such notice to direct such owner or person, within a reasonable time to be therein specified, to take effectual means for the extinguishing or effectually screening such existing light, and for preventing for the future

any similar fire or light; and any owner or person disobeying such notice shall be deemed guilty of a common nuisance, and, in addition to any other penalties or liabilities of any kind thereby incurred, shall incur a penalty not exceeding one hundred pounds.

Prevention of False Lights

416. If any owner or person served with such notice as aforesaid neglects for a period of seven days to extinguish or effectually screen the fire or light therein mentioned, it shall be lawful for the general lighthouse authority within whose jurisdiction the same may be, by their servants or workmen, to enter upon the place whereon the same may be, and forthwith to extinguish such fire or light, doing no unnecessary damage; and all expenses incurred by such authority in such extinction may be recovered from such person or owner as aforesaid in the same way as penalties are hereby directed to be recoverable.

If not obeyed they may abate such lights.

Colonial Lighthouses.

Colonial Lighthouses.

416 *a*. In any case in which any lighthouse, buoy, or beacon has been or is hereafter erected or placed on or near the coasts of any British possession, by or with the consent of the legislative authority of such possession, Her Majesty may, by Order in Council, fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same or derives benefit therefrom, as Her Majesty may deem reasonable, and may in like manner from time to time increase, diminish, or repeal such dues, and from the time specified in such order for the commencement of the dues thereby fixed, increased, or diminished the same shall be leviable throughout Her Majesty's dominions in manner herein-after mentioned. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 2.)

Her Majesty may by Order in Council fix dues for colonial lighthouses.

416 *b*. No such dues as aforesaid shall be levied in any colony unless and until the legislative authority in such colony has, either by address to the Crown or by an Act or Ordinance duly passed, signified its opinion that the same ought to be levied in such colony. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 3.)

No such dues to be levied in any colony without the consent of the Colonial Legislature.

416 *c*. The said dues shall in the United Kingdom be collected by the same persons by whom, and by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, by, in, and subject to which the light dues leviable under the Merchant Shipping Act, 1854, are collected, and shall in each British possession abroad be collected by such persons as the Governor of such possession abroad may appoint for the purpose, and shall be collected by the same means, in the same manner, and subject to the same

Mode of collecting the said dues.

17 & 18 Vict. c. 104. ss. 399, 400, 401.

Colonial Lighthouses.

conditions, so far as circumstances permit, by, in, and subject to which the light dues leviable under the Merchant Shipping Act, 1854, are paid and collected, or by such other means, in such other manner, and subject to such other conditions as the legislative authority in such possession may direct. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 4.)

Dues to be paid over to Her Majesty's Paymaster General.

416 *d.* All dues levied under this Act shall be paid over to Her Majesty's Paymaster General at such times and in such manner as the Board of Trade may direct, and shall be applied, paid, and dealt with by him, for the purposes herein-after mentioned, in such manner as such Board may direct. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 5.)

Dues to be applied to expenses of lighthouse, &c. for which they are levied.

416 *e.* The dues levied under the authority of this Act in respect of any such lighthouse, buoy, or beacon as aforesaid shall, after deducting any expenses incurred in collecting the same, be applied for the purpose of paying the expenses incurred in erecting and maintaining such lighthouse, buoy, or beacon, and for no other purpose whatever. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 6.)

Power to borrow money on security of dues.

17 & 18 Vict., c. 104. ss. 424, 425, 426.

416 *f.* For the purpose of constructing or repairing any such lighthouse, buoy, or beacon as aforesaid, the Board of Trade may raise, upon the security of the dues to be levied in respect thereof, such sums of money as they may deem fit; and the Commissioners of Her Majesty's Treasury, out of any moneys which may be provided by Parliament, the Public Works Loan Commissioners, or any other person or body of persons, may advance the same accordingly, such advances to be made in the same manner, with the same powers, and subject to the same provisions, so far as circumstances permit, in, with, and subject to which, under the Merchant Shipping Act, 1854, advances may be made upon the security of the Mercantile Marine Fund for the construction and repair of lighthouses in the United Kingdom. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 7.)

Accounts for each lighthouse, &c. to be kept and laid before Parliament, and to be audited.

17 & 18 Vict., c. 104. s. 428.

416 *g.* Accounts shall be kept of all sums expended in the construction, repair, or maintenance of every lighthouse, buoy, or beacon in the British possessions abroad for which dues are levied under the authority of this Act, and of the dues received in respect thereof, in such manner as the Board of Trade may direct, and shall be laid before Parliament annually; and the said accounts shall be audited in such manner as Her Majesty may by Order in Council direct. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 8.)

PART VII.

MERCANTILE MARINE FUND.

Mercantile Marine Fund.

417. The following sums shall be carried to a common fund, to be entitled the "Mercantile Marine Fund;" (that is to say,)

Sums to be carried to Mercantile Marine Fund.

(1.) All fees and other sums (other than fines and forfeitures) received by the Board of Trade under the provisions of the third and fourth parts of this Act;

(2.) All light dues or other sums received by or accruing to the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation under the sixth part of this Act;

(3.) All rates and moneys received by the Trinity House under the Local Act of the seventh year of Her present Majesty, chapter fifty-seven, for the regulation of lastage and ballastage in the river Thames; 7 Vict. c. lvii.

(4.) All fees and other sums mentioned in the table marked V.* in the schedule hereto which are received by receivers appointed under the eighth part of this Act;

and an account of the said fund, intituled "The Mercantile Marine Fund Account," shall be kept with Her Majesty's Paymaster General.

Fees to be paid into and expenses out of Mercantile Marine Fund.

417 *a*. All fees paid to the Board of Trade, and all fees and other sums received by the Trinity House as their licensee in pursuance of the Chain Cables and Anchors Acts, 1864 to 1874, shall be carried to the Mercantile Marine Fund; and all expenses of the Board of Trade and Trinity House incurred under the Chain Cables and Anchors Acts, 1864 to 1874, and the salary and allowances payable to an inspector, shall be paid out of the Mercantile Marine Fund. (Chain Cables and Anchors Act, 1874, 37 & 38 Vict. c. 51. s. 2.)

Application of Mercantile Marine Fund.

418. Subject to any prior charges that may be subsisting thereon by virtue of any Act or Acts of Parliament or otherwise, the said fund shall be chargeable with the following expenses; that is to say,

(1.) The salaries and other expenses connected with the local marine boards, the examinations, and the shipping offices provided for by the third part of this Act;

(2.) The salaries of surveyors, and other expenses connected with the survey of passenger steam ships provided for by the fourth part of this Act;

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* See s. 455.

Mercantile Marine Fund.

(3.) All expenses incurred by the general lighthouse authorities aforesaid in the works and services of lighthouses, buoys, and beacons provided for by the sixth part of this Act, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of such works and services;

(4.) All expenses incurred by the Trinity House in respect of lastage and ballastage in the river Thames;

(5.) Such expenses for establishing and maintaining on the coasts of the United Kingdom proper lifeboats, with the necessary crews and equipments, and for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea, and for rewarding the preservation of life in such cases, as the Board of Trade directs;

(6.) Any expenses incurred in carrying into effect the provisions with regard to receivers and the performance of their duties contained in the eighth part of this Act;

(7.) Any expenses which by this or any other Act of Parliament are specially charged thereon;

and shall, save as herein-after mentioned, be applicable to no other purpose whatever.

Fees and salaries of surveyors and emigration officers.

418 *a.* All fees payable in respect of the survey or measurement of ships under this Act or the Acts amended hereby, or in respect of any services performed by any person employed under the authority of the Passengers Act, 1855, shall be paid to the superintendent of a mercantile marine office at such times and in such manner as the Board of Trade may from time to time direct, and shall be carried to the Mercantile Marine Fund; and the salaries of surveyors, and other expenses connected with the survey and measurement of ships under this Act or the Acts amended hereby, and also so much of the salaries and expenses of persons employed under the authority of the Passengers Act, 1855, as has heretofore been paid by fees, shall be paid out of the Mercantile Marine Fund. (Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73. s. 14.)

Provisions for existing debts and charges.

418 *b.* All debts and liabilities which have been duly incurred or undertaken by the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation respectively before the passing of this Act, and which are such as if this Act had not been passed ought to have been paid out of the said tolls and rates, shall be paid or provided for out of the said Mercantile Marine Fund; and all expenses of the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation in respect of any charitable of other pensions, superannuations, or other allowances which

Mercantile Marine Fund.

have been lawfully granted or allowed by them respectively before the passing of this Act, and which are such as if this Act had not been passed ought to have been paid out of the said tolls and rates, shall be paid out of the said Mercantile Marine Fund during the respective lives or continuance in office of the persons receiving the same, or other periods for which the same may have been granted or allowed; and if it appear that any debts or liabilities so incurred as aforesaid, or any of the expenses in respect of charitable or other pensions, and superannuation or other allowances, are debts, liabilities, or expenses which if this Act had not been passed would have been paid partly out of the said tolls and rates and partly from other sources, such part thereof as the Board of Trade shall under the circumstances of the case think just shall be paid out of the said Mercantile Marine Fund; and the Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation respectively shall submit to the Board of Trade statements of all such debts and liabilities, and of all such expenses or parts of expenses in respect of charitable or other pensions, superannuations, or other allowances as are to be paid out of the said Mercantile Marine Fund, and also estimates of the sums which may be from time to time required to provide for the same; and no payment in respect of any such debt, liability, or expense shall be made out of the said Mercantile Marine Fund unless provided for by such estimates and approved by the Board of Trade. (Merchant Shipping Law Amendment Act, 1853, 16 & 17 Vict. c. 131. s. 12.)

Existing liabilities on Mercantile Marine Fund continued.

418 *c.* Nothing in the Merchant Shipping Act, 1854, or in this Act, contained shall operate to prevent the exercise of the powers contained in the twelfth and sixteenth* sections of the Merchant Shipping Law Amendment Act, 1853, of paying the debts, liabilities, and expenses therein mentioned out of the Mercantile Marine Fund: And whereas it was arranged that a sum to be ascertained by the calculation of actuaries should before the said last-mentioned Act came into operation be paid by the Trinity House out of the cash balances then in their hands for the purpose of supplying a deficiency in the funds of the Cinque Ports pilots, and of indemnifying the funds of the Trinity House pilots against any loss consequent

* This section (which is repealed, except so far as it is saved hereby) is as follows:—"Subject to all liabilities duly incurred or undertaken by or with the "sanction of the Board of Trade before the passing of this Act, such part of "the said Mercantile Marine Fund as arises from fees and payments received "by the Board of Trade under the Acts herein-before mentioned in that behalf, "shall be applied exclusively in or towards the payment of expenses duly "incurred in carrying on the several services herein-before mentioned, and for "no other purpose whatever; and it shall be lawful for the Board of Trade "from time to time to reduce or alter the said fees in such manner as such Board "may think fit, so that no fee be demanded of greater amount than could have "been demanded if this Act had not passed."

Mercantile Marine Fund

upon the settlements to be made under the Pilotage Law Amendment Act, 1853: And whereas when the Merchant Shipping Law Amendment Act, 1853, came into operation, the said calculation was not completed: Be it enacted, that such payment may, with the consent of the Board of Trade, be made by the Trinity House in the same manner as payment of the debts, liabilities, and expenses referred to in the said twelfth section of the said last-mentioned Act; and this section shall come into operation immediately after the passing of this Act. (Merchant Shipping Repeal Act, 1854, 17 & 18 Vict. c. 120. s. 8).

Application of ballastage rates. 6 & 7 Vict c lvii.

419. The said rates and moneys received by the Trinity House under the said Local Act of the seventh year of Her present Majesty, chapter fifty-seven, shall, subject to the payment of such proportion of any prior charges subsisting on the Mercantile Marine Fund as may in the opinion of the Board of Trade be fairly chargeable thereon, and to the powers of raising money upon the credit of the said fund herein contained, be applicable only to services performed for the purpose of supplying ballast to or providing for the safety or convenience of such ships as navigate the said river Thames and the seas and channels leading thereto between Orfordness on the north and Dungeness on the south: Provided that if in addition to the duties performed in consideration of the said ballastage rates under the said Local Act the Trinity House, at the request or with the consent of the owners or masters of or agents for any ships, undertake to place ballast on board thereof or to unload ballast therefrom, they shall be entitled to charge for such additional duties such reasonable additional rate per ton for ballast so placed on board or unladen as Her Majesty by Order in Council from time to time approves.

Establishments for lighthouses and ballastage charged on fund to be fixed by Her Majesty in Council.

420. Her Majesty may from time to time, by and with the advice of Her Privy Council, fix the establishments to be maintained by each of the said general lighthouse authorities on account of the services of lighthouses, buoys, and beacons, and also, as regards the Trinity House, on account of the service of lastage and ballastage in the river Thames, or the annual or other sums to be paid out of the said fund in respect of such establishments; and if it appears that any part of the establishments of the said lighthouse authorities is maintained for the purposes of such duties and also for other purposes, to fix and from time to time alter the portion of the expense of such establishments to be paid out of the said fund; and no increase of any establishment or part of an establishment so fixed shall be made without the consent of the Board of Trade.

Power to commute pensions and

420 *a.* The Trinity House, the Commissioners of Northern Lighthouses, and the Port of Dublin Corporation may from

time to time, with the sanction of the Board of Trade, commute any charitable or other pensions or other allowances payable out of the said Mercantile Marine Fund, or grant superannuations or compensations to persons whose salaries may be charged on the said fund, and who may be discharged or may retire, so nevertheless that no superannuation allowance or compensation to any person so discharged or retiring shall exceed the proportion of his salary which might be granted under similar circumstances to a person in the public civil service under the *Act of the fourth and fifth years of King William the Fourth, chapter twenty-four* [Superannuation Act, 1859],* or under any other Act for regulating such superannuation allowances or compensations for the time being in force; and such commutations, superannuations, and compensations shall from time to time be included in the estimates to be submitted as aforesaid, and paid out of the said fund. (Merchant Shipping Law Amendment Act, 1853, 16 & 17 Vict. c. 131. s. 13.)

Mercantile Marine Fund.

grant superannuation allowances.

421. The said general lighthouse authorities may from time to time, with the sanction of the Board of Trade, grant superannuations or compensations to persons whose salaries are payable out of the said fund, and who are discharged or retire, so nevertheless that no superannuation allowance or compensation to any person so discharged or retiring shall exceed the proportion of his salary which might be granted to a person in the public civil service, under the *Act of the fourth and fifth years of King William the Fourth, chapter twenty-four* [Superannuation Act, 1859],* or under any other Act for regulating such superannuation allowances or compensations for the time being in force.

Power to grant superannuation allowances.

422. Each of the said general lighthouse authorities shall from time to time submit to the Board of Trade estimates of all expenses to be incurred by them in respect of the matters aforesaid, other than the establishment expenses for the time being allowed by Order in Council as aforesaid, and shall also, whenever in providing for any sudden emergency it is necessary to incur any expense without waiting until an estimate can be sanctioned, as soon as possible send to the Board of Trade a full account of such expense; and the Board of Trade shall consider and may approve such estimates and accounts, either with or without modification.

Estimates and accounts for other expenses to be approved by the Board of Trade.

423. No expense of any of the said general lighthouse authorities in respect of the said services shall be paid out of the Mercantile Marine Fund, or allowed in account, other than the sums so allowed for establishment expenses as aforesaid or included in estimates or accounts approved by the Board of Trade.

No expense to be allowed unless sanctioned by Board of Trade.

* 22 Vict. c. 26. s. 15.

Mercantile Marine Fund

For the purpose of erecting and repairing lighthouses, and other extraordinary expenses, Treasury may advance money.

424. For the purpose of the construction and repair of lighthouses, and of other extraordinary expenses connected with the said services, the Treasury are authorised from time to time, upon the application of the Board of Trade, to advance out of the growing produce of the Consolidated Fund of the United Kingdom such sums of money, upon such terms, and at such rate of interest as they think fit, and to pay the same into the Mercantile Marine Fund Account, so nevertheless that the whole sum for the time being due in respect of such advances shall never at any one time exceed two hundred thousand pounds; and upon any advance being so made the sum so advanced and the interest shall be a charge on the Mercantile Marine Fund, and upon the dues, rates, fees, and payments so to be carried thereto as aforesaid; and the Board of Trade shall make such provision for the repayment thereof out of the said fund, either by forming a sinking fund or otherwise, as the Treasury may require; provided that no such advance shall prevent any lawful reduction of any of the said dues, rates, fees, or payments, if such reduction be assented to by the Treasury.

Power to Board of Trade to borrow money on the credit of fund

425. The Board of Trade may also, for the purpose last aforesaid, raise money by mortgaging the Mercantile Marine Fund, and the several dues, rates, fees, and payments so to be carried thereto as aforesaid, or any of them, or any part thereof, to any person or body of persons; and every such mortgage shall be in such form, and under the hand and seal of such person or persons, as the President of the said Board for the time being may direct; and no person or body of persons lending money upon any such mortgage shall be bound to see to the purpose for which the same is raised or to the mode in which it is applied

Power to Public Works Loan Commissioners to advance money on the credit of the fund.

426. The Public Works Loan Commissioners may also, for the purpose last aforesaid, advance money upon mortgage of the said Mercantile Marine Fund, and the several dues, rates, fees, and payments so to be carried thereto as aforesaid, or any of them, or any part thereof, without requiring any further security than such mortgage as aforesaid; but every mortgage so made to the said Public Works Loan Commissioners, or their secretary for the time being, shall be made under and in pursuance of the Acts of Parliament regulating the proceedings of the said Public Works Loan Commissioners, anything herein contained to the contrary notwithstanding: Provided that no advance which may be made by the said Public Works Loan Commissioners shall prevent any lawful reduction of any of the said dues, rates, fees, or payments, if such reduction is assented to by the said Public Works Loan Commissioners.

Lighthouse authorities to account for

427. Each of the said general lighthouse authorities shall account to the Board of Trade for their receipts from the

Mercantile Marine Fund.

said light dues and ballastage rates, and for their expenditure as regards expenses paid out of the said fund, in such form, and at such times, and with such details, explanations, and vouchers, as the Board of Trade requires, and shall, when required by such Board, permit all books of accounts kept by or under their respective direction to be inspected and examined by such persons as the said Board appoints for that purpose.

receipt and expenditure to Board of Trade.

428. The Board of Trade shall render to the Commissioners for Auditing the Public Accounts periodical accounts of the whole of the receipts and expenditure of the Mercantile Marine Fund, such accounts to be signed and declared to by the accountant appointed by the Board of Trade for that purpose; and in case of default it shall be lawful for the Treasury to make or direct such allowance as under the circumstances of the case they may think fit in respect thereof.

Accounts of fund to be audited by Commissioners of Audit.

429. The Board of Trade shall, as soon as practicable after the meeting of Parliament in every year, cause the account of the Mercantile Marine Fund for the then preceding year to be laid before both Houses of Parliament.

Accounts to be laid before Parliament.

430. All lighthouses, buoys, beacons, and light dues, and all other rates, fees, or payments accruing to or forming part of the said fund, and all premises or property belonging to or occupied by any of the said general lighthouse authorities or the Board of Trade, which are used or applied for the purposes of any of the services for which such dues, rates, fees, and payments are received, and all instruments or writings used by or under the direction of any of the said general lighthouse authorities or the Board of Trade in carrying on the said services, shall be exempted from all public, parochial, and local taxes, duties, and rates of every kind.

Property used for the purposes of Parts III. and VI. of Act to be exempt from all rates and taxes.

431. The ships [or boats]* belonging to or used by any of the said general lighthouse authorities, or by the Board of Trade, shall be privileged to enter, resort to, and use any harbours, ports, docks, or piers in the United Kingdom, without payment of any tolls, dues, or rates of any kind.

Ships of lighthouse authorities exempt from harbour dues.

* Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 48.

PART VIII.

WRECKS, CASUALTIES, AND SALVAGE.

Inquiries into Wrecks.

Inquires to be instituted in cases of wreck and casualty.

Inquiries into Wrecks.

432. In any of the cases following; that is to say,

Whenever any ship is lost, abandoned, or materially damaged on or near the coasts of the United Kingdom;

Whenever any ship causes loss or material damage to any other ship on or near such coasts;

Whenever by reason of any casualty happening to or on board of any ship on or near such coasts loss of life ensues;

Whenever any such loss, abandonment, damage, or casualty happens elsewhere, and any competent witnesses thereof arrive or are found at any place in the United Kingdom,

it shall be lawful for the inspecting officer of the coastguard or the principal officer of customs residing at or near the place where such loss, abandonment, damage, or casualty occurred, if the same occurred on or near the coasts of the United Kingdom, but if elsewhere at or near the place where such witnesses as aforesaid arrive or are found or can be conveniently examined, or for any other person appointed for the purpose by the Board of Trade, to make inquiry respecting such loss, abandonment, damage, or casualty; and he shall for that purpose have all the powers given by the first part of this Act to inspectors appointed by the said Board.

Formal investigation before justices.

433. If it appears to such officer or person as aforesaid, either upon or without any such preliminary inquiry as aforesaid, that a formal investigation is requisite or expedient, or if the Board of Trade so directs, he shall apply to any two justices or to a stipendiary magistrate to hear the case; and such justices or magistrate shall thereupon proceed to hear and try the same, and shall for that purpose, so far as relates to the summoning of parties, compelling the attendance of witnesses, and the regulation of the proceedings, have the same powers as if the same were a proceeding relating to an offence or cause of complaint upon which they or he have power to make a summary conviction or order, or as near thereto as circumstances permit; and it shall be the duty of such officer or person as aforesaid to superintend the management of the case, and to render such assistance to the said justices or magistrate as is in his power; and upon the conclusion of the case the said justices or magistrate

shall send a report to the Board of Trade, containing a full statement of the case and of their or his opinion thereon, accompanied by such report of or extracts from the evidence, and such observations (if any) as they or he may think fit.

Inquiries into Wrecks.

434. In cases where nautical [or engineering]* skill and knowledge are required, the Board of Trade shall have the power, either at the request of such justices or magistrate, or at their own discretion, to appoint some person [or persons]* of nautical [or engineering]* skill and knowledge to act as assessor [or assessors]* to such justices or magistrate; and such assessor [or assessors]* shall, upon the conclusion of the case, either signify his concurrence in their report by signing the same, or if he dissents therefrom shall signify such dissent and his reasons therefor to the Board of Trade.

Power to appoint nautical assessor.

435. In places where there is a local marine board, and where a stipendiary magistrate is a member of such board, all such investigations as aforesaid shall, whenever he happens to be present, be made before such magistrate; and there shall be paid to such magistrate in respect of his services under this Act such remuneration, whether by way of annual increase of salary or otherwise, as Her Majesty's Secretary of State for the Home Department, with the consent of the Board of Trade, may direct; and such remuneration shall be paid out of the Mercantile Marine Fund.

Stipendiary magistrate to be the magistrate who is member of local marine board, and to be paid.

436. The said justices or magistrate may make such order with respect to the costs of any such investigation, or any portion thereof, as they or he may deem just, and such costs shall be paid accordingly, and shall be recoverable in the same manner as other costs incurred in summary proceedings before them or him; and the Board of Trade may, if in any case it thinks fit so to do, pay the expense of any such investigation, and may pay to such assessor as aforesaid such remuneration as it thinks fit.

Costs of such investigations.

437. In the case of any such investigation as aforesaid to be held in Scotland the Board of Trade may, if it so thinks fit, remit the same to the Lord Advocate to be prosecuted in such manner as he may direct, and, in case he so requires, with the assistance of such person [or persons]* of nautical [or engineering]* skill and knowledge as the Board of Trade may appoint for the purpose.

Investigations in Scotland.

438. Such justices or magistrate as aforesaid may, or in Scotland such person or persons as is or are directed by the Lord Advocate to conduct the investigation may, if they or he think fit, require any master or mate possessing a certificate of competency or service whose conduct is called in question or appears to them or him likely to be called in question in the course of such investigation, to deliver such

Master or mate may be required to deliver certificate to be held until close of inquiry.

* Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 24.

Inquiries into Wrecks.

certificate to them or him, and they or he shall hold the certificate so delivered until the conclusion of the investigation, and shall then either return the same to such master or mate, or, if their report is such as to enable the Board of Trade to cancel or suspend such certificate under the powers given to such Board by the third part of this Act, shall forward the same to the Board of Trade to be dealt with as such Board thinks fit; and if any master or mate fails so to deliver his certificate when so required, he shall incur a penalty not exceeding fifty pounds.

Appointment and Duties of Receivers.

Appointment and Duties of Receivers.

Board of Trade superintendents of wreck, with power to appoint receivers.

439. The Board of Trade shall, throughout the United Kingdom, have the general superintendence of all matters relating to wreck; and it may, with the consent of the Commissioners of Her Majesty's Treasury, appoint any officer of customs or of the coastguard or any officer of Inland Revenue, or, when it appears to such Board to be more convenient, any other person, to be a receiver of wreck in any district, and to perform such duties as are herein-after mentioned, and shall give due notice of every such appointment.

Receiver General to conform to directions of Board of Trade.

439 *a.* The Receiver General of Droits of Admiralty shall, as to all things to be done by him in virtue of his office, conform to all lawful directions given for that purpose by the Board of Trade; and on a vacancy occurring in his office no successor shall be appointed, but thereupon all powers and privileges vested in such Receiver General shall be transferred to the Board of Trade; and this section shall come into operation immediately after the passing of this Act. (Merchant Shipping Repeal Act, 1854, 17 & 18 Vict. c. 120. s. 10.)

Powers of Board of Trade as to appointment of receivers.

439 *b.* Receivers appointed by the said Receiver General under the Act of the tenth year of the reign of Her present Majesty, chapter ninety-nine, shall hold their offices only during the pleasure of the Board of Trade; and the Serjeants of the Admiralty of the Cinque Ports, their deputies or other officers, authorised to perform the duties and to exercise the powers within the jurisdiction of the Cinque Ports elsewhere performed and exercised by such receivers as aforesaid, shall perform and exercise the same only during the pleasure and subject to the directions of the Board of Trade; and all such receivers, serjeants, deputies, and other officers as aforesaid shall possess in the several districts within which they have hitherto exercised their duties the same powers, rights, and privileges, and perform the same duties as are by the said Merchant Shipping Act, 1854, vested in and committed to the recivers therein mentioned, save only that they shall not be entitled to take the command in cases of ships or boats stranded or in distress, unless authorised so to do by the

Board of Trade. (Merchant Shipping Repeal Act, 1854, 17 & 18 Vict. c. 120. s. 11.)

Appointment and Duties of Receivers.

440. No admiral, vice-admiral, or other person, under whatever denomination, exercising admiralty jurisdiction, shall as such, by himself or his agents, receive, take, or interfere with any wreck, except as herein-after mentioned.

Admiral not to interfere with wreck.

441. Whenever any ship or boat is stranded or in distress at any place on the shore of the sea or of any tidal water within the limits of the United Kingdom, the receiver of the district within which such place is situate shall, upon being made acquainted with such accident, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and assign such duties to each person and issue such directions as he may think fit with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof; and if any person wilfully disobeys such directions, he shall forfeit a sum not exceeding fifty pounds; but it shall not be lawful for such receiver to interfere between the master of such ship or boat and his crew in matters relating to the management thereof, unless he is requested so to do by such master.

Duty of receiver when any ship is stranded or in distress.

442. The receiver may, with a view to such preservation as aforesaid of the ship or boat, persons, cargo, and apparel, do the following things; (that is to say,)

(1.) Summon such number of men as he thinks necessary to assist him;

(2.) Require the master or other person having the charge of any ship or boat near at hand to give such aid with his men, ship, or boats as may be in his power;

(3.) Demand the use of any waggon, cart, or horses that may be near at hand;

and any person refusing without reasonable cause to comply with any summons, requisition, or demand so made as aforesaid shall for every such refusal incur a penalty not exceeding one hundred pounds; but no person shall be liable to pay any duty of assessed taxes in respect of any such waggon, cart, or horses, by reason of the user of the same under this section.

Powers of receiver in case of such accident to any ship or boat.

443. All cargo and other articles belonging to such ship or boat as aforesaid that may be washed on shore, or otherwise be lost or taken from such ship or boat, shall be delivered to the receiver; and any person, whether he is the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or to any person authorised by him to demand the same, shall incur a penalty not exceeding one hundred pounds; and it shall be lawful for

All articles washed on shore, or lost, or taken from any ship or boat, to be delivered to the receiver.

Appointment and Duties of Receivers.

such receiver or other person as aforesaid to take such cargo or article by force from the person so refusing to deliver the same.

Power of receiver to suppress plunder and disorder by force.

444. Whenever any such accident as aforesaid occurs to any ship or boat, and any person plunders, creates disorder, or obstructs the preservation of such ship, boat, lives, or cargo as aforesaid, it shall be lawful for the receiver to cause such person to be apprehended and to use force for the suppression of any such plundering, disorder, or obstruction as aforesaid, with power to command all Her Majesty's subjects to assist him in the use of such force; and if any person is killed, maimed, or hurt by reason of his resisting the receiver in the execution of the duties hereby committed to him, or any person acting under his orders, such receiver or other person shall be free and fully indemnified as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed, or hurt.

Certain officers to exercise powers of receiver in his absence

445. During the absence of the receiver from the place where any such accident as aforesaid occurs, or in places where no receiver has been appointed under this Act, the following officers in succession, each in the absence of the other, in the order in which they are named, that is to say, any principal officer of customs or of the coastguard, or officer of Inland Revenue, and also any sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, may do all matters and things hereby authorised to be done by the receiver, with this exception, that with respect to any goods or article belonging to any such ship or boat, the delivery up of which to the receiver is herein-before required, any officer so acting shall be considered as the agent of the receiver, and shall place the same in the custody of the receiver, and no person so acting as substitute for any receiver shall be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Power in case of a ship being in distress to pass over adjoining lands with carriages.

446. Whenever any such accident as aforesaid occurs to any ship or boat, all persons may, for the purpose of rendering assistance to such ship or boat or saving the lives of the persons on board the same, or the cargo or apparel thereof, unless there is some public road equally convenient, pass and repass either with or without carriages or horses over any adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on such lands any cargo or other article recovered from such ship or boat; and all damage that may be sustained by any owner or occupier in

consequence of any such passing or repassing or deposit as aforesaid shall be a charge on the ship, boat, cargo, or articles in respect of or by which such damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is hereby made recoverable; and the amount payable in respect thereof, if disputed, shall be determined in the same manner as the amount of salvage is hereby, in case of dispute, directed to be determined.

Appointment and Duties of Receivers.

447. If the owner or occupier of any land over which any person is hereby authorised to pass or repass for any of the purposes herein-before mentioned does any of the following things; (that is to say,)

Penalty on owners and occupiers of land refusing to allow carriages, &c. to pass over their land.

(1.) Impedes or hinders any such person from so passing or repassing, with or without carriages, horses, and servants, by locking his gates, refusing upon request to open the same, or otherwise however;

(2.) Impedes or hinders the deposit of any cargo or other article recovered from any such ship or boat as herein-before mentioned;

(3.) Prevents such cargo or other article from remaining so deposited for a reasonable time, until the same can be removed to a safe place of public deposit,

he shall for every such offence incur a penalty not exceeding one hundred pounds.

448. Any receiver, or in his absence any justice of the peace, shall, as soon as conveniently may be, examine upon oath (which oath they are hereby respectively empowered to administer) any person belonging to any ship which may be or may have been in distress on the coasts of the United Kingdom, or any other person who may be able to give any account thereof, or of the cargo or stores thereof, as to the following matters; (that is to say,)

Power of receiver to institute examination with respect to ships in distress.

(1.) The name and description of the ship;

(2.) The name of the master and of the owners;

(3.) The names of the owners of the cargo;

(4.) The ports or places from and to which the ship was bound;

(5.) The occasion of the distress of the ship;

(6.) The services rendered;

(7.) Such other matters or circumstances relating to such ship, or to the cargo on board the same, as the receiver or justice thinks necessary;

and such receiver or justice shall take the examination down in writing, and shall make two copies of the same, of which he shall send one to the Board of Trade and the other to the secretary of the committee for managing the affairs of Lloyd's in London, and such last-mentioned copy shall be placed by the said secretary in some conspicuous situation for the

Appointment and Duties of Receivers.

inspection of persons desirous of examining the same; and for the purposes of such examination every such receiver or justice as aforesaid shall have all the powers given by the first part of this Act to inspectors appointed by the Board of Trade.

Original or certified copy of examination to be primâ facie evidence.

449. Any examination so taken in writing as aforesaid, or a copy thereof, purporting to be certified under the hand of the receiver or justice before whom such examination was taken, shall be admitted in evidence in any court of justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence, as primâ facie proof of all matters contained in such written examination.

Rules to be observed by persons finding wreck.

450. The following rules shall be observed by any person finding or taking possession of wreck within the United Kingdom; (that is to say,)

(1.) If the person so finding or taking possession of the same is the owner, he shall as soon as possible give notice to the receiver of the district within which such wreck is found, stating that he has so found or taken possession of the same; and he shall describe in such notice the marks by which such wreck is distinguished;

(2.) If any person, not being the owner, finds or takes possession of any wreck, he shall as soon as possible deliver the same to such receiver as aforesaid;

and any person making default in obeying the provisions of this section shall incur the following penalties; (that is to say,)

(3.) If he is the owner, and makes default in performing the several things the performance of which is hereby imposed on an owner,

He shall incur a penalty not exceeding one hundred pounds:

(4.) If he is not the owner, and makes default in performing the several things the performance of which is hereby imposed on any person not being an owner,

He shall forfeit all claim to salvage;

He shall pay to the owner of such wreck, if the same is claimed, but if the same is unclaimed then to the person entitled to such unclaimed wreck, double the value of such wreck (such value to be recovered in the same way as a penalty of like amount); and

He shall incur a penalty not exceeding one hundred pounds.

Power for receiver to seize concealed wreck.

451. If any receiver suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof, or otherwise improperly dealt with,

Appointment and Duties of Receivers.

he may apply to any justice of the peace for a warrant, and such justice shall have power to grant a warrant by virtue whereof it shall be lawful for the receiver to enter into any house or other place wherever situate, and also into any ship or boat, and to search for and to seize and detain any such wreck as aforesaid there found; and if any such seizure is made in consequence of information that may have been given by any person to the receiver, the informer shall be entitled by way of salvage to such sum, not exceeding in any case five pounds, as the receiver may allow.

Notice of wreck to be given by receiver.

452. Every receiver shall, within forty-eight hours after taking possession of any wreck, cause to be posted up in the custom house of the port nearest to the place where such wreck was found or seized a description of the same and of any marks by which it is distinguished, and shall also, if the value of such wreck exceeds twenty pounds, but not otherwise, transmit a similar description to the secretary of the committee of Lloyd's aforesaid; and such secretary shall post up the description so sent, or a copy thereof, in some conspicuous place, for the inspection of all persons desirous of examining the same.

Goods deemed perishable or of small value may be sold immediately.

453. In cases where any wreck in the custody of any receiver is under the value of five pounds, or is of so perishable a nature or so much damaged that the same cannot, in his opinion, be advantageously kept, or if the value thereof is not sufficient to defray the charge of warehousing, the receiver may sell the same before the expiration of the period hereinafter mentioned, and the money raised by such sale, after defraying the expenses thereof, shall be held by the receiver for the same purposes and subject to the same claims for and to which the article sold would have been held and liable if it had remained unsold.

In cases where any lord of the manor or other person is entitled to unclaimed wreck, receiver to give notice to him.

454. In cases where any admiral, vice-admiral, lord of the manor, or other person is entitled for his own use to unclaimed wreck found on any place situate within a district for which a receiver is appointed, such admiral, vice-admiral, lord of the manor, or other person shall deliver to such receiver a statement containing the particulars of his title and the address to which notices are to be sent; and upon such statement being so delivered, and proof made to the satisfaction of the receiver of the validity of such title, it shall be his duty, whenever he takes possession of any wreck found at any such place, to send within forty-eight hours thereafter a description of the same, and of any marks by which it is distinguished, directed to such address as aforesaid.

Payments to be made to receiver.

455. There shall be paid to all receivers appointed under this Act the expenses properly incurred by them in the per-

Appointment and Duties of Receivers.

formance of their duties, and also in respect of the several matters specified in the table marked V. in the schedule hereto, such fees, not exceeding the amounts therein mentioned, as may from time to time be directed by the Board of Trade; and the receiver shall have the same lien and be entitled to the same remedies for the recovery of such expenses and fees as a salvor has or is entitled to in respect of salvage due to him; but save as aforesaid no receiver appointed under this Act shall, as such, be entitled to any remuneration whatsoever.

TABLE V.

Fees and Remuneration of Receivers.

	£	s.	d.
For every examination on oath instituted by a receiver with respect to any ship or boat which may be or may have been in distress, a fee not exceeding -	1	0	0
But so that in no case shall a larger fee than two pounds be charged for examinations taken in respect of the same ship and the same occurrence, whatever may be the number of the deponents.			
For every report required to be sent by the receiver to the secretary of the committee for managing the affairs of Lloyd's in London, the sum of - -	0	10	0
For wreck taken by the receiver into his custody, a per-centage of five per cent. upon the value thereof,			
But so that in no case shall the whole amount of per-centage so payable exceed twenty pounds.			
In cases were any services are rendered by a receiver, in respect of any ship or boat in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a per-centage; that is to say,			
If such ship or boat with her cargo equals or exceeds in value six hundred pounds, the sum of two pounds for the first, and the sum of one pound for every subsequent day during which the receiver is employed on such service, but if such ship or boat with her cargo is less in value than six hundred pounds, one moiety of the above-mentioned sum.			

Payment of receivers appointed by Receiver General

455 *a.* There shall be payable to such receivers, serjeants, deputies, and other officers* as aforesaid such fees and other remuneration as are by the said Merchant Shipping Act, 1854, made payable to receivers appointed thereunder, and payment thereof shall be made by the same persons and in

* See s. 439 *b.*

Appointment and Duties of Receivers.

the same manner, and shall be capable of being enforced by the same means, as payment of the fees or other remuneration payable to the receivers appointed under "The Merchant Shipping Act, 1854," are payable or capable of being enforced, or as near thereto as circumstances permit; and, save as aforesaid, and saving also any expenses actually and properly incurred, no such receiver, serjeant, deputy, or other officer as aforesaid shall be entitled to demand or receive from any person any fees or other sums in respect of any services performed by him as receiver; and this section shall come into operation immediately after the passing of this Act. (Merchant Shipping Repeal Act, 1854, 17 & 18 Vict. c. 120. s. 12.)

Application of fees of such receivers.

455 *b*. All fees or other remuneration received by any such receiver, serjeant, deputy, or other officer* as aforesaid may be applied by him to his own use. (Merchant Shipping Repeal Act, 1854, 17 & 18 Vict. c. 120. s. 13.)

Remuneration for services by coastguard.

455 *c*. In cases where services are rendered by officers or men of the coastguard service in watching or protecting shipwrecked property, then unless it can be shown that such services have been declined by the owner of such property or his agent at the time they were tendered, or that salvage has been claimed and awarded for such services, the owner of the shipwrecked property shall pay in respect of the said services remuneration according to a scale to be fixed by the Board of Trade, so, however, that such scale shall not exceed any scale by which payment to officers and men of the coastguard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated; and such remuneration shall be recoverable by the same means and shall be paid to the same persons and accounted for and applied in the same manner as fees received by receivers appointed under the Merchant Shipping Act, 1854. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 20).

Disputes as to sums payable to receiver to be determined by Board of Trade.

456. Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver in respect of expenses or fees, such dispute shall be determined by the Board of Trade, whose decision shall be final.

Application of fees.

457. All fees received by any receiver appointed under this Act in respect of any services performed by him as receiver shall be carried to and form part of the Mercantile Marine Fund, and a separate account thereof shall be kept, and the moneys arising therefrom shall be applied in defraying any expenses duly incurred in carrying into effect the purposes of the eighth part of this Act, in such manner as the Board of Trade directs.

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* See s. 439 *b*.

Salvage in the United Kingdom.

Salvage in the United Kingdom.

Salvage in respect of services rendered in the United Kingdom.

458. In the following cases; (that is to say,).

Whenever any ship or boat is stranded or otherwise in distress on the shore of any sea or tidal water situate within the limits of the United Kingdom, and services are rendered by any person,

(1.) In assisting such ship or boat;

(2.) In saving the lives of the persons belonging to such ship or boat;

(3.) In saving the cargo or apparel of such ship or boat or any portion thereof;

And whenever any wreck is saved by any person other than a receiver within the United Kingdom;

there shall be payable by the owners of such ship or boat, cargo, apparel, or wreck, to the person by whom such services or any of them are rendered, or by whom such wreck is saved, a reasonable amount of salvage, together with all expenses properly incurred by him in the performance of such services or the saving of such wreck, the amount of such salvage and expenses (which expenses are herein-after included under the term salvage) to be determined in case of dispute in manner herein-after mentioned.

Extending 17 & 18 Vict. c. 104. as to claims for salvage of life.

458 *a.* All the provisions of "The Merchant Shipping Act, 1854," in regard to salvage of life from any ship or boat within the limits of the United Kingdom, shall be extended to the salvage of life from any British ship or boat wheresoever the services may have been rendered, and from any foreign ship or boat where the services have been rendered either wholly or in part in British waters. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 9.)

Provisions concerning salvage of life may, with the consent of any foreign country, be applied to its ships on the high seas.

458 *b.* Whenever it is made to appear to Her Majesty that the Government of any foreign country is willing that salvage shall be awarded by British courts for services rendered in saving life from any ship belonging to such country when such ship is beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that the provisions of the principal Act and of this Act with respect to salvage for services rendered in saving life from British ships shall in all British courts be held to apply to services rendered in saving life from the ships of such foreign country, whether such services are rendered within British jurisdiction or not. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 59.)

Salvage for life may be paid by Board of Trade out of Mercantile Marine Fund.

459. Salvage in respect of the preservation of the life or lives of any person or persons belonging to any such ship or boat as aforesaid shall be payable by the owners of the ship or boat in priority to all other claims for salvage; and

Salvage in the United Kingdom.

in cases where such ship or boat is destroyed, or where the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage due in respect of any life or lives, the Board of Trade may in its discretion award to the salvors of such life or lives out of the Mercantile Marine Fund such sum or sums as it deems fit in whole or part satisfaction of any amount of salvage so left unpaid in respect of such life or lives.

Disputes as to salvage how to be settled.

460. Disputes with respect to salvage arising within the boundaries of the Cinque Ports shall be determined in the manner in which the same have hitherto been determined; but whenever any dispute arises elsewhere in the United Kingdom between the owners of any such ship, boat, cargo, apparel, or wreck as aforesaid and the salvors as to the amount of salvage, and the parties to the dispute cannot agree as to the settlement thereof by arbitration or otherwise,

Then, if the sum claimed does not exceed two hundred pounds,

Such dispute shall be referred to the arbitration of any two justices of the peace resident as follows; (that is to say,)

In case of wreck, resident at or near the place where such wreck is found:

In case of services rendered to any ship or boat, or to the persons, cargo, or apparel belonging thereto, resident at or near the place where such ship or boat is lying, or at or near the first port or place in the United Kingdom into which such ship or boat is brought after the occurrence of the accident by reason whereof the claim to salvage arises:

But if the sum claimed exceeds two hundred pounds,

Such dispute may, with the consent of the parties, be referred to the arbitration of such justices as aforesaid, but if they do not consent, shall in England be decided by the High Court of Admiralry of England, in Ireland by the High Court of Admiralty of Ireland, and in Scotland by the Court of Session; subject to this proviso, that if the claimants in such dispute do not recover in such Court of Admiralty or Court of Session a greater sum than two hundred pounds, they shall not, unless the court certifies that the case is a fit one to be tried in a superior court, recover any costs, charges, or expenses incurred by them in the prosecution of their claim:

And every dispute with respect to salvage may be heard and adjudicated upon on the application either of the salvor or of the owner of the property salved, or of their respective agents.

Salvage in the United Kingdom.

Receiver may appoint a valuer in salvage cases.

460 *a.* Whenever any salvage question arises the receiver of wreck for the district may, upon application from either of the parties, appoint a valuer to value the property in respect of which the salvage claim is made, and shall, when the valuation has been returned to him, give a copy of the valuation to both parties; and any copy of such valuation, purporting to be signed by the valuer and to be attested by the receiver, shall be received in evidence in any subsequent proceeding; and there shall be paid in respect of such valuation, by the party applying for the same, such fee as the Board of Trade may direct. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 50.)

Manner in which justices may decide disputes.

461. Whenever in pursuance of this Act any dispute as to salvage is referred to the arbitration of two justices they may either themselves determine the same, with power to call to their assistance any person conversant with maritime affairs as assessor, or they may, if a difference of opinion arises between them, or without such difference, if they think fit, appoint some person conversant with maritime affairs as umpire to decide the point in dispute; and such justices or their umpire shall make an award as to the amount of salvage payable within the following times; that is to say, the said justices within forty-eight hours after such dispute has been referred to them, and the said umpire within forty-eight hours after his appointment, with power nevertheless for such justices or umpire, by writing under their or his hands or hand, to extend the time within which they and he are hereby respectively directed to make their or his award.

Extension and amendment of summary jurisdiction in small salvage cases.

461 *a.* The provisions contained in the eighth part of the principal Act for giving summary jurisdiction to two justices in salvage cases, and for preventing unnecessary appeals and litigation in such cases, shall be amended as follows; (that is to say,)

(1.) Such provisions shall extend to all cases in which the value of the property saved does not exceed one thousand pounds, as well as to the cases provided for by the principal Act:

(2.) Such provisions shall be held to apply whether the salvage service has been rendered within the limits of the United Kingdom or not:

(3.) It shall be lawful for one of Her Majesty's Principal Secretaries of State, or in Ireland for the Lord Lieutenant or other chief governor, or governors, to appoint out of the justices for any borough or county a rota of justices by whom jurisdiction in salvage cases shall be exercised:

(4.) When no such rota is appointed it shall be lawful for the salvors, by writing addressed to the justice's

clerk, to name one justice, and for the owner of the property saved in like manner to name the other:

Salvage in the United Kingdom.

(5.) If either party fails to name a justice within a reasonable time the case may be tried by two or more justices at petty sessions:

(6.) It shall be competent for any stipendiary magistrate, and also in England for any county court judge, in Scotland for the sheriff or sheriff substitute of any county, and in Ireland for the recorder of any borough in which there is a recorder, or for the chairman of quarter sessions in any county, to exercise the same jurisdiction in salvage cases as is given to two justices:

(7.) It shall be lawful for one of Her Majesty's Principal Secretaries of State to determine a scale of costs to be awarded in salvage cases by any such justices or court as aforesaid:

(8.) All the provisions of the principal Act relating to summary proceedings in salvage cases and to the prevention of unnecessary appeals in such cases shall, except so far as the same are altered by this Act, extend and apply to all such proceedings, whether under the principal Act or this Act, or both of such Acts. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 49.)

Costs of arbitration.

462. There shall be paid to every assessor and umpire who may be so appointed as aforesaid in respect of his services such sum, not exceeding five pounds, as the Board of Trade may from time to time direct; and all the costs of such arbitration, including any such payments as aforesaid, shall be paid by the parties to the dispute in such manner and in such shares and proportions as the said justices or as the said umpire may direct by their or his award.

Justices may call for documents and administer oaths.

463. The said justices or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath and administer the oaths necessary for that purpose.

Appeal to Courts of Admiralty.

464. If any person is aggrieved by the award made by such justices or such umpire as aforesaid, he may in England appeal to the High Court of Admiralty of England, in Ireland to the High Court of Admiralty of Ireland, and in Scotland to the Court of Session; but no such appeal shall be allowed unless the sum in dispute exceeds fifty pounds, nor unless within ten days after the date of the award the appellant gives notices to the justices to whom the matter was referred of his intention to appeal, nor unless the appellant proceeds to take

Salvage in the United Kingdom.

out a monition, or to take such other proceeding as according to the practice of the court of appeal is necessary for the institution of an appeal, within twenty days from the date of the award.

Justices to transmit copy of proceedings and certificate of value to court of appeal.

465. Whenever any appeal is made in manner hereinbefore provided, the justices shall transmit to the proper officer of the court of appeal a copy on unstamped paper, certified under their hands to be a true copy, of the proceedings had before such justices or their umpire, if any, and of the award so made by them or him, accompanied with their or his certificate in writing of the gross value of the article respecting which salvage is claimed; and such copy and certificate shall be admitted in the court of appeal as evidence in the cause.

Payment of salvage, to whom to be made in case of dispute as to apportionment.

466. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally ascertained either by agreement or by the award of such justices or their umpire, but a dispute arises as to the apportionment thereof amongst several claimants, then, if the amount does not exceed two hundred pounds, it shall be lawful for the party liable to pay the amount so due to apply to the receiver of the district for liberty to pay the amount so ascertained to him, and he shall, if he thinks fit, receive the same accordingly, and grant a certificate under his hand stating the fact of such payment and the services in respect of which it is made, and such certificate shall be a full discharge and indemnity to the person or persons to whom it is given, and to their ship, boats, cargo, apparel, and effects, against the claims of all persons whomsoever in respect of the services therein mentioned; but if the amount exceeds two hundred pounds, it shall be apportioned in manner herein-after mentioned.

Apportionment of salvage.

467. Upon the receipt of any such amount as aforesaid the receiver shall with all convenient speed proceed to distribute the same among the several persons entitled thereto, upon such evidence and in such shares and proportions as he thinks fit, with power to retain any moneys that may appear to him to be payable to any absent parties; but any distribution made in pursuance of this section shall be final and conclusive against the rights of all persons claiming to be entitled to any portion of the moneys so distributed.

Manner of enforcing payment of salvage.

468. Whenever any salvage is due to any person under this Act, the receiver shall act as follows; (that is to say,)

(1.) If the same is due in respect of services rendered in assisting any ship or boat, or in saving the lives of persons belonging to the same, or the cargo or apparel thereof,

Salvage in the United Kingdom.

He shall detain such ship or boat, and the cargo and apparel belonging thereto, until payment is made or process has been issued by some competent court for the detention of such ship, boat, cargo, or apparel:

(2.) If the same is due in respect of the saving of any wreck, and such wreck is not sold as unclaimed in pursuance of the provisions herein-after contained,

He shall detain such wreck until payment is made or process has been issued in manner aforesaid:

But it shall be lawful for the receiver, if at any time previously to the issue of such process security is given to his satisfaction for the amount of salvage due, to release from his custody any ship, boat, cargo, apparel, or wreck so detained by him as aforesaid; and in cases where the claim for salvage exceeds two hundred pounds it shall be lawful in England for the High Court of Admiralty of England, in Ireland for the High Court of Admiralty of Ireland, and in Scotland for the Court of Session, to determine any question that may arise concerning the amount of the security to be given or the sufficiency of the sureties; and in all cases where bond or other security is given to the receiver for an amount exceeding two hundred pounds it shall be lawful for the salvor or for the owner of the property salved, or their respective agents, to institute proceedings in such last-mentioned courts for the purpose of having the questions arising between them adjudicated upon, and the said courts may enforce payment of the said bond or other security in the same manner as if bail had been given in the said courts.

Jurisdiction of court of session in salvage cases.

468 *a.* The words "Court of Session" in the four hundred and sixty-eighth section of the principal Act shall be deemed to mean and include either division of the Court of Session or the Lord Ordinary officiating on the bills during vacation. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 51.)

Power of receiver to sell property salved in cases of non-payment.

469. Whenever any ship, boat, cargo, apparel, or wreck is detained by any receiver for non-payment of any sums so due as aforesaid, and the parties liable to pay the same are aware of such detention, then in the following cases, that is to say,

(1.) In cases where the amount is not disputed, and payment thereof is not made within twenty days after the same has become due;

(2.) In cases where the amount is disputed, but no appeal lies from the first tribunal to which the dispute is referred, and payment thereof is not made within twenty days after the decision of such first tribunal;

Salvage in the United Kingdom.

(3.) In cases where the amount is disputed, and an appeal lies from the decision of the first tribunal to some other tribunal, and payment thereof is not made within such twenty days as last aforesaid, or such monition as herein-before mentioned is not taken out within such twenty days, or such other proceedings as are according to the practice of such other tribunal necessary for the prosecution of an appeal are not instituted within such twenty days,

the receiver may forthwith sell such ship, boat, cargo, apparel, or wreck, or a sufficient part thereof, and out of the proceeds of the sale, after payment of all expenses thereof, defray all sums of money due in respect of expenses, fees, and salvage, paying the surplus, if any, to the owners of the property sold, or other the parties entitled to receive the same.

Subject to payment of expenses, fees, and salvage, owner entitled to wreck.

470. Subject to the payment of such expenses, fees, and salvage as aforesaid, the owner of any wreck who establishes his claim thereto to the satisfaction of the receiver within one year from the date at which such wreck has come into the possession of the receiver, shall be entitled to have the same delivered up to him.

Unclaimed Wreck in the United Kingdom.

Unclaimed Wreck in the United Kingdom.

Receiver to deliver up possession of unclaimed wreck to lord of manor or other person entitled.

471. In the event of no owner establishing a claim to wreck found in any place in the United Kingdom before the expiration of a year from the date at which the same has come into the possession of the receiver, then if any such admiral, vice-admiral, lord of any manor, or other person as aforesaid has given notice to and has proved to the satisfaction of the receiver that he is entitled to wreck found at such place, the receiver shall, upon payment of all expenses, fees, and salvage due in respect of such wreck, deliver up possession thereof to such admiral, vice-admiral, lord of the manor, or other person; and in case of dispute as to the amount of the sums so payable, and also in case of default being made in payment thereof, such dispute shall be determined and payment enforced in the manner in which such amount and payment is hereby directed to be determined and enforced in cases where any owner establishes his claim to wreck.

Disputed title to wreck how to be decided.

472. If any dispute arises between the receiver and any such admiral, vice-admiral, lord of any manor, or other person as aforesaid as to the validity of his title to wreck, or if divers persons claim to be entitled to wreck found at the same place, the matter in dispute may be decided by two justices in the same manner in which disputes as to salvage coming within the jurisdiction of justices are herein-before directed to be determined.

Unclaimed Wreck in the United Kingdom.

472 *a.* Upon delivery of wreck or of the proceeds of wreck by any receiver to any person in pursuance of the provisions of the eighth part of the principal Act such receiver shall be discharged from all liability in respect thereof, but such delivery shall not be deemed to prejudice or affect any question concerning the right or title to the said wreck which may be raised by third parties, nor shall any such delivery prejudice or affect any question concerning the title to the soil on which the wreck may have been found. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 52.)

Delivery of wreck by receiver not to prejudice title.

473. If any party to such dispute is unwilling to refer the same to two justices, or, having so referred the same, is dissatisfied with their decision, he may within three months from the expiration of such year as aforesaid or from the date of such decision as aforesaid, as the case may be, take such proceedings as he may be advised in any court of law, equity, or admiralty having jurisdiction in the matter for establishing his title.

Appeal from decision of justices.

474. The Board of Trade shall have power, with the consent of the Treasury, out of the revenue arising under the eighth part of this Act, for and on behalf of Her Majesty, her heirs and successors, to purchase all such rights to wreck as may be possessed by any person or body corporate other than Her Majesty; and for the purpose of facilitating such purchases the provisions of the "Lands Clauses Consolidation Act, 1845," and the "Lands Clauses Consolidation (Scotland) Act, 1845," relating to the purchase of lands by agreement, shall be incorporated with this Act; and in the construction of this Act and the said incorporated Acts this Act shall be considered to be the "special Act;" and any such rights to wreck as aforesaid shall be considered as an interest in land authorised to be taken by the special Act, and Her Majesty, her heirs and successors, shall be considered as the promoters of the undertaking.

Power of the Board of Trade on behalf of the Crown to purchase rights to wreck.

475. If no owner establishes his claim to wreck found at any place before the expiration of such period of a year as aforesaid, and if no admiral, vice-admiral, lord of any manor, or person other than Her Majesty, her heirs and successors, is proved to be entitled to such wreck, the receiver shall forthwith sell the same, and after payment of all expenses attending such sale, and deducting therefrom his fees and all expenses (if any) incurred by him, and paying to the salvors such amount of salvage as the Board of Trade may in each case or by any general rule determine, pay the same into the receipt of Her Majesty's Exchequer, in such manner as the Treasury may direct, and the same shall be carried to and form part of the Consolidated Fund of the United Kingdom.

Unclaimed wreck to be sold.

Unclaimed Wreck in the United Kingdom

Crown rights to wreck.

475 *a.* Whereas by the principal Act it is provided that the proceeds of wreck, if the same is not claimed by the owner within a year, and if no person other than Her Majesty, her heirs and successors, is proved to be entitled thereto, shall, subject to certain deductions, be paid into the receipt of Her Majesty's Exchequer in such manner as the Commissioners of the Treasury may direct, and that the same shall be carried to and form part of the Consolidated Fund of the United Kingdom:

And whereas doubts have been entertained whether the said last-recited provision is consistent with the arrangements concerning the hereditary revenues of the Crown effected by the Act of the first year of Her present Majesty, chapter two: And whereas doubts have also been entertained whether due provision is made by the said Act for paying to the revenues of the duchies of Lancaster and Cornwall respectively such of the said proceeds as may belong to those duchies:

1 Vict c. 2.

It is hereby declared, that such of the said proceeds of wreck as belong to Her Majesty in right of Her Crown shall, during the life of Her present Majesty (whom God long preserve), be carried to and form part of the Consolidated Fund of the United Kingdom, and shall after the decease of Her present Majesty (whom God long preserve) be payable and paid to Her Majesty's heirs and successors.

And it is hereby further declared, that such of the said proceeds of wreck as belong to Her Majesty in right of her duchy of Lancaster shall be paid to the receiver general of the said duchy, or his sufficient deputy or deputies, as part of the revenues of the said duchy, and be dealt with accordingly:

And it is hereby further declared and enacted, that the provision in the principal Act contained regarding the sale of unclaimed wreck to which no owner establishes his claim within the period of one year, and to which no admiral, vice-admiral, lord of any manor, or person other than Her Majesty, her heirs and successors, is proved to be entitled, is intended and shall be construed to apply to wreck of the sea belonging to Her Majesty, her heirs and successors, in respect of the duchy of Cornwall, or to the Duke of Cornwall for the time being in respect of his duchy of Cornwall; but that the proceeds of such wreck shall, subject to such deductions as are in the same Act mentioned, form part of the revenues of the duchy of Cornwall, and be dealt with accordingly. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 53.)

Jurisdiction of the High Court of Admiralty.

High Court of Admiralty may decide on all salvage cases, whether on sea or land.

Jurisdiction of the High Court of Admiralty.

476. *Subject to the provisions of this Act, the High Court of Admiralty shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect

* Similar jurisdiction conferred on Irish Court of Admiralty by 30 & 31 Vict. c. 114. s. 27., and *see* ss. 74 *et seq.* of that Act.

of which salvage is claimed were performed upon the high seas or within the body of any county, or partly in one place and partly in the other, and whether the wreck is found at sea or cast upon the land, or partly in the sea and partly on land

Jurisdiction of the High Court of Admiralty.

476 *a.* Any county court having Admiralty jurisdiction shall have jurisdiction, and all powers and authorities relating thereto, to try and determine, subject and according to the provisions of this Act, the following causes (in this Act referred to as Admiralty causes):

Extent of Admiralty jurisdiction of county courts.

(1) As to any claim for salvage—Any cause in which the value of the property saved does not exceed one thousand pounds, or in which the amount claimed does not exceed three hundred pounds:

(2.) As to any claim for towage, necessaries, or wages—Any cause in which the amount claimed does not exceed one hundred and fifty pounds:

(3.) As to any claim for damage to cargo, or damage by collision—Any cause in which the amount claimed does not exceed three hundred pounds:

(4.) Any cause in respect of any such claim or claims as aforesaid, but in which the value of the property saved or the amount claimed is beyond the amount limited as above mentioned, when the parties agree by a memorandum signed by them or by their attorneys or agents that any county court having Admiralty jurisdiction, and specified in the memorandum, shall have jurisdiction. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 3.)

476 *b.* If any person shall take in the High Court of Admiralty of England or in any superior court proceedings which he might, without agreement, have taken in a county court, except by order of the judge of the High Court of Admiralty or of such superior court or of a county court having Admiralty jurisdiction, and shall not recover a sum exceeding the amount to which the jurisdiction of the county court in that Admiralty cause is limited by this Act, and also if any person without agreement shall, except by order as aforesaid, take proceedings as to salvage in the High Court of Admiralty or in any superior court in respect of property saved, the value of which when saved does not exceed one thousand pounds, he shall not be entitled to costs, and shall be liable to be condemned in costs, unless the judge of the High Court of Admiralty or of a superior court before whom the cause is tried or heard shall certify that it was a proper Admiralty cause to be tried in the High Court of Admiralty of England or in a superior court. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 9)

Restrictions on proceedings in the Court of Admiralty or superior court.

Offences in respect of Wreck.

Offences in respect of Wreck.

In case of ship wrecked being plundered by a tumultuous assemblage the hundred to be liable for damages.

477. Whenever any ship or boat is stranded or otherwise in distress on or near the shore of any sea or tidal water in the United Kingdom, and such ship or boat, or any part of the cargo or apparel thereof, is plundered, damaged, or destroyed by any persons riotously and tumultuously assembled together, whether on shore or afloat, full compensation shall be made to the owner of such ship, boat, cargo, or apparel, as follows; (that is ts say,)

In England, by the inhabitants of the hundred, wapentake, ward, or district in the nature of a hundred by whatever name denominated, in or nearest to which the said offence is committed, in manner provided by an Act of the eighth year of the reign of King George the Fourth, chapter thirty one, in case of the destruction of churches and other buildings by a riotous assemblage, or as near thereto as circumstances permit:

7 & 8 G. 4. c. 31.

In Ireland, by the inhabitants of the county, county of a city or town, barony, town or towns, parish or parishes, in or nearest to which such offence is committed, in manner provided by an Act of the fourth year of the reign of King William the Fourth, chapter thirty-seven, for the recovery of satisfaction and amends for the malicious demolition of or injury to churches, chapels, and other buildings used for religious worship according to the usage of the United Church of England and Ireland, or as near thereto as circumstances permit:

3 & 4 W. 4. c. 37. s. 72.

In Scotland, by the inhabitants of the county, city, or borough in or nearest to which such offence is committed, in manner provided by an Act of the first year of King George the First, statute two, chapter five, with respect to prosecutions for repairing the damages of any churches and other buildings, or as near thereto as circumstances permit.

1 G. 1. st. 2. c. 5.

Penalty for plundering in cases of shipwreck, for obstructing the saving of shipwrecked property, and for secreting the same.

478. Every person who does any of the following acts; (that is to say,)

(1.) Wrongfully carries away or removes any part of any ship or boat stranded or in danger of being stranded or otherwise in distress on or near the shore of any sea or tidal water, or any part of the cargo or apparel thereof, or any wreck; or,

(2.) Endeavours in any way to impede or hinder the saving of such ship, boat, cargo, apparel, or wreck; or,

(3.) Secrets any wreck, or obliterates or defaces any marks thereon;

shall, in addition to any other penalty or punishment he may be subject to under this or any other Act or law, for each such offence incur a penalty not exceeding fifty pounds;

Offences in respect of Wreck.

and every person, not being a receiver or a person hereinbefore authorised to take the command in cases of ships being stranded or in distress, or not acting under the orders of such receiver or person, who, without the leave of the master, endeavours to board any such ship or boat as aforesaid, shall for each offence incur a penalty not exceeding fifty pounds; and it shall be lawful for the master of such ship or boat to repel by force any such person so attempting to board the same.

Stealing from ship in distress or wrecked.

478 *a.* Whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years with or without hard labour and with or without solitary confinement; and the offender may be indicted and tried either in the county or place in which the offence shall have been committed or in any county or place next adjoining. (Larceny, &c. Act, 1861, 24 & 25 Vict. c. 96. s. 64.)

Persons in possession of shipwrecked goods not giving a satisfactory account.

478 *b.* If any goods, merchandise, or articles of any kind belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore, shall be found in the possession of any person or on the premises of any person with his knowledge, and such person, being taken or summoned before a justice of the peace, shall not satisfy the justice that he came lawfully by the same, then the same shall, by order of the justice, be forthwith delivered over to or for the use of the rightful owner thereof; and the offender shall, on conviction of such offence before the justice, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the goods, merchandise, or articles, such sum of money not exceeding twenty pounds as to the justice shall seem meet. (Larceny, &c. Act, 1861, 24 & 25 Vict. c. 96. s. 65.)

If any person offers shipwrecked goods for sale, the goods may be seized, &c.

478 *c.* If any person shall offer or expose for sale any goods, merchandise, or articles whatsoever which shall have been unlawfully taken, or shall be reasonably suspected so to have been taken, from any ship or vessel in distress, or wrecked, stranded, or cast on shore, in every such case any person to whom the same shall be offered for sale, or any officer of the customs or excise, or peace officer, may, lawfully seize the same, and shall with all convenient speed carry the same, or give notice of such seizure, to some justice of the peace; and if the

Offences in respect of Wreck

person who shall have offered or exposed the same for sale, being summoned by such justice, shall not appear and satisfy the justice that he came lawfully by such goods, merchandise, or articles, then the same shall, by order of the justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the justice) to the person who seized the same, and the offender shall, on conviction of such offence by the justice, at the discretion of the justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding six months, or else shall forfeit and pay, over and above the value of the goods, merchandise, or articles, such sum of money not exceeding twenty pounds as to the justice shall seem meet. (Larceny, &c. Act, 1861, 24 & 25 Vict. c. 96. s. 66.)

Penalty for selling wreck in foreign ports.

479. If any person takes into any foreign port or place any ship or boat stranded, derelict, or otherwise in distress on or near the shore of the sea or of any tidal water situate within the limits of the United Kingdom, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found within such limits as aforesaid, and there sells the same, he shall be guilty of felony, and be subject to penal servitude for a term not exceeding four years.

Dealers in Marine Stores and Manufacturers of Anchors.

Dealers in Marine Stores and Manufacturers of Anchors.

Regulations to be observed by dealers in marine stores.

480. Every person dealing in buying and selling anchors, cables, sails, or old junk, old iron, or marine stores of any description, shall conform to the following regulations; (that is to say,)

(1.) He shall have his name, together with the words "dealer in marine stores," painted distinctly in letters of not less than six inches in length on every warehouse or other place of deposit belonging to him;

If he does not he shall incur a penalty not exceeding twenty pounds:

(2.) He shall keep a book or books, fairly written, and shall enter therein an account of all such marine stores as he may from time to time become possessed of, stating in respect of each article the time at which and the person from whom he purchased or received the same, adding in the case of every such last-mentioned person a description of his business and place of abode;

If he does not he shall incur for the first offence a penalty not exceeding twenty pounds, and for

every subsequent offence a penalty not exceeding fifty pounds:

Dealers in Marine Stores and Manufacturers of Anchors.

(3.) He shall not, by himself or his agents, purchase marine stores of any description from any person apparently under the age of sixteen years;

If he does so he shall incur for the first offence a penalty not exceeding five pounds, and for every subsequent offence a penalty not exceeding twenty pounds:

(4.) He shall not cut up any cable or any similar article exceeding five fathoms in length, or unlay the same into twine or paper stuff, on any pretence whatever, without obtaining such permit and publishing such notice of his having so obtained the same as is herein-after mentioned;

If he does so he shall incur for the first offence a penalty not exceeding twenty pounds, and for every subsequent offence a penalty not exceeding fifty pounds.

Manner of obtaining permit to cut up cables.

481. In order to obtain such permit as aforesaid a dealer in marine stores shall make a declaration before some justice of the peace having jurisdiction over the place where such dealer resides containing the following particulars; (that is to say,)

(1.) A statement of the quality and description of the cable or other like article about to be cut up or unlaid;

(2.) A statement that he purchased or otherwise acquired the same bonâ fide and without fraud, and without any knowledge or suspicion that the same had been come by dishonestly;

(3.) A statement of the name and description of the person from whom he purchased or received the same;

and it shall be lawful for the justice before whom any such declaration is made, or for the receiver of the district in which such dealer in marine stores resides, upon the production of any such declaration as aforesaid, to grant a permit authorising him to cut up or unlay such cable or other like article.

Permit to be advertised before dealer proceeds to act thereon.

482. No dealer in marine stores who has obtained such permit as aforesaid shall proceed by virtue thereof to cut up or unlay any cable or other like article until he has for the space of one week at the least before doing any such act published in some newspaper published nearest to the place where he resides one or more advertisements notifying the fact of his having so obtained a permit, and specifying the nature of the cable or other article mentioned in the permit, and the place where the same is deposited, and the time at which the same is intended to be so cut up or unlaid; and if any person suspects or believes that such cable or other article

Dealers in Marine Stores and Manufacturers of Anchors.

is his property he may apply to any justice of the peace for a warrant, and such justice of the peace may, on the applicant making oath, or, if a person entitled to make an affirmation, making an affirmation in support of such his suspicion or belief, grant a warrant by virtue whereof the applicant shall be entitled to require the production by such dealer as aforesaid of the cable or other article mentioned in the permit, and also of the book of entries herein-before directed to be kept by every dealer in marine stores, and, upon such cable or other article and book of entries being produced, to inspect and examine the same ; and if any dealer in marine stores makes default in complying with any of the provisions of this section, he shall for the first offence incur a penalty not exceeding twenty pounds, and for every subsequent offence a penalty not exceeding fifty pounds.

Manufacturers to place marks on anchors.

483. Every manufacturer of anchors shall, in case of each anchor which he manufactures, mark in legible characters on the crown and also on the shank under the stock his name or initials, with the addition of a progressive number and the weight of such anchor; and if he makes default in doing so he shall for each offence incur a penalty not exceeding five pounds.

Salvage by H. M. Ships.

Salvage by Her Majesty's Ships.

No claim for salvage services to be allowed in respect of loss or risk of Her Majesty's ships or property.

484. In cases where salvage services are rendered by any ship belonging to Her Majesty, or by the commander or crew thereof, no claim shall be made or allowed for any loss, damage, or risk thereby caused to such ship, or to the stores, tackle, or furniture thereof, or for the use of any stores or other articles belonging to Her Majesty supplied in order to effect such services, or for any other expense or loss sustained by Her Majesty by reason of such services.

Claims for salvage by Her Majesty's officers not to be determined without consent of Admiralty.

485. No claim whatever on account of any salvage services rendered to any ship or cargo, or to any appurtenances of any ship by the commander or crew or part of the crew of any of Her Majesty's ships shall be finally adjudicated upon unless the consent of the Admiralty has first been obtained, such consent to be signified by writing under the hand of the secretary to the Admiralty and if any person who has originated proceedings in respect of any such claim fails to prove such consent to the satisfaction of the court, his suit shall stand dismissed, and he shall pay all the costs of such proceedings; provided that any document purporting to give such consent and to be signed by the secretary to the Admiralty shall be primâ facie evidence of such consent having been given.

Salvage by H. M. Ships.

Steps to be taken when salvage services have been rendered by Her Majesty's ships abroad.

486. Whenever services for which salvage is claimed are rendered to any ship or cargo, or to any part of any ship or cargo, or to any appurtenances of any ship, at any place out of the United Kingdom and the four seas adjoining thereto, by the commander or crew or part of the crew of any of Her Majesty's ships, the property alleged to be salved shall, if the salvor is justified by the circumstances of the case in detaining it at all, be taken to some port where there is either a consular officer or a vice-admiralty court; and within twenty-four hours after arriving at such port the said salvor and the master or other person in charge of the property alleged to be salved shall each deliver to the consular officer or vice-admiralty judge there a statement verified on oath, specifying so far as they respectively can and so far as the particulars required apply to the case,

(1.) The place, condition, and circumstances in which the said ship, cargo, or property was at the time when the services were rendered for which salvage is claimed:

(2.) The nature and duration of the services rendered:

And the salvor shall add to his statement,

(3.) The proportion of the value of the said ship, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the said ship, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same:

(4.) Any other circumstances he thinks relevant to the said claim:

And the said master or other person in charge of the said ship, cargo, or property shall add to his statement,

(3.) A copy of the certificate of registry of the said ship, and of the indorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in such certificate, and stating also, to the best of his knowledge and belief, the state of the title to the ship for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers:

(4.) The name and place of business or residence of the freighter (if any) of the said ship, and the freight to be paid for the voyage she is then on:

(5.) A general account of the quantity and nature of the cargo at the time the salvage services were rendered:

(6.) The name and place of business or residence of the owner of such cargo and of the consignee thereof:

(7.) The values at which the said master estimates the said ship, cargo, and property, and the freight respectively,

Salvage by H M Ships.

or, if he thinks fit, in lieu of such estimated value of the cargo, a copy of the ship's manifest:

(8) The amounts which the master thinks should be paid as salvage for the services rendered:

(9.) An accurate list of the property saved in cases where the ship is not saved:

(10.) An account of the proceeds of the sale of the said ship, cargo, or property, in cases where the same or any of them are sold at such port as aforesaid:

(11.) The number, capacities, and condition of the crew of the said ship at the time the said services were rendered:

(12.) Any other circumstances he thinks relevant to the matters in question:

(13) A statement of his willingness to execute a bond, in the form in the table marked W. in the schedule hereto, in such amount as the said consular officer or vice-admiralty judge may fix.

TABLE W.

Salvage Bond.

(N.B.—*Any of the particulars not known or not required by reason of the claim being only against the cargo, &c. may be omitted*).

Whereas certain salvage services are alleged to have been rendered by the ship (*insert names of ship and of commander*), commander to the merchant ship (*insert names of ship and master*), master belonging to (*name and place of business, or residence of owner of ship*), freighted by (*the name of the freighter*), and to the cargo therein consisting of (*state very shortly the descriptions and quantities of the goods and the names and address of their owners and consignees*).

And whereas the said ship and cargo have been brought into the port of (*insert name and situation of port*) and a statement of the salvage claim has been sent to (*insert the name of the consular officer or vice-admiralty judge, and of the office he fills*), and he has fixed the amount to be inserted in this bond at the sum of (*state the sum*).

Now I, the said (*master's name*) do hereby, in pursuance of the Merchant Shipping Act, 1854, bind the several owners for the time being of the said ship and of the cargo therein, and of the freight payable in respect of such cargo, and their respective heirs, executors, and administrators, to pay among them such sum not exceeding the said sum of (*state the sum fixed*) in such proportions, and to such persons as (*if the parties agree on any other court substitute the name of it here*) the High Court of Admiralty in England shall adjudge to be payable as salvage for the services so alleged to have been rendered as aforesaid.

In witness whereof, I have hereunto set my hand and seal, this (*insert the date*) day of .

Signed, sealed, and delivered by the said (*master's name*) L.S., in the presence of (*name of consular officer or vice-admiralty judge, and of the office he fills*).

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487. The said consular officer or judge, as the case may be, shall, within four days after receiving the aforesaid statements, fix the amount to be inserted in the said bond at such sum as he thinks sufficient to answer the demand for the salvage services rendered; but such sum shall not exceed one half of the value which in his estimation the said ship, freight, and cargo, or any parts thereof in respect of which salvage is claimed, are worth; and the said consular officer or judge may, if either of the aforesaid statements is not delivered to him within the time hereby required, proceed ex parte, but he shall in no case under this Act require the cargo to be unladen; and the said consular officer may in any proceeding under this Act relating to salvage take affidavits and receive affirmations.

Consular officer or judge to fix amount for which a bond is to be given.

488. The said consular officer or judge shall send notice of the sum which he has so fixed as aforesaid to the said salvor and the said master; and upon such master executing a bond in such form as aforesaid, with the said sum inserted therein, in the presence of the said officer or judge (who shall attest the same), and delivering the same to the said salvor, the right of the said salvor to detain or retain possession of the said ship, cargo, or property, or any of them, in respect of the said salvage claim, shall cease.

On master executing bond, the right of detention to cease.

489. If the ship, cargo, or property in respect of which the claim for salvage is made is not owned by persons domiciled in Her Majesty's dominions, the right of the salvor to detain or retain possession thereof shall not cease unless the master procures, in addition to the said bond, such security for the due performance of the conditions thereof as the said officer or judge considers sufficient for the purpose, and places the same in the possession or custody of the said officer or judge, or, if the salvor so desires, in the possession or custody of the said officer or judge jointly with any other person whom the said salvor appoints for the purpose.

Provision for additional security in the case of ships owned by persons resident out of Her Majesty's dominions.

490. The said consular officer or judge shall at the earliest opportunity transmit the said statements and documents so sent to him as aforesaid, and a notice of the sum he has so fixed as aforesaid, to the High Court of Admiralty of England, or if the said salvor and the said master or other person in charge as aforesaid agree that the said bond shall be adjudicated upon by any vice-admiralty court, to such court.

Documents to be sent to England.

Salvage by H. M. Ships.

Whom the bond shall bind.

491. The said bond shall bind the respective owners of the said ship, freight, and cargo, and their respective heirs, executors, and administrators, for the salvage adjudged to be payable in respect of the said ship, freight, and cargo respectively.

Court in which it is to be adjudicated on.

492. The said bond shall be adjudicated on and enforced by the High Court of Admiralty in England, or if the said salvor and master at the time of the execution of the said bond agree upon any vice-admiralty court, then by such vice-admiralty court; and any such vice-admiralty court may in every proceeding under this Act have and exercise all powers and authorities whatsoever which the said High Court of Admiralty now has or at any time may have in any proceeding whatsoever before it; and in cases where any security for the due performance of the conditions of the said bond has been placed in the possession or custody of the said consular officer or vice-admiralty judge, or of such officer or judge jointly with any other person, the person or persons having the custody of such security shall respectively deal with the same in such manner as the court that adjudicates on the bond directs.

Power of High Court of Admiralty to enforce bonds.

493. The said High Court of Admiralty shall have power to enforce any bond given in pursuance of this Act in any vice-admiralty court in any part of Her Majesty's dominions; and all courts in Scotland, Ireland, and the islands of Jersey, Guernsey, Alderney, Sark, and Man exercising admiralty jurisdiction shall, upon application, aid and assist the High Court of Admiralty in enforcing the said bonds.

Saving clause.

494. Any such salvor as aforesaid of any ship, cargo, or property who elects not to proceed under this Act shall have no power to detain the said ship, cargo, or property, but may proceed otherwise for the enforcement of his salvage claim as if this Act had not been passed; and nothing in this Act contained shall abridge or affect the rights of salvors, except in the cases by it provided for.

Document free from duty.

495. All bonds, statements, agreements, and other documents made or executed in pursuance of the eighth part of this Act shall, if so made or executed out of the United Kingdom, be exempt from stamp duty.

Punishment for forgery and false representations.

496. Every person who, in any proceeding under provisions contained in the eighth part of this Act relating to salvage by Her Majesty's ships, forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document, and every person who in any such proceeding puts off or makes use of any such forged or altered document knowing the same to be so forged or altered, or who in any such

proceeding gives or makes, or assists in giving or making, or procures to be given or made, any false evidence or representation knowing the same to be false, shall be punishable with imprisonment, with or without hard labour, for any period not exceeding two years, or if summarily prosecuted and convicted, by imprisonment, with or without hard labour, for any period not exceeding six months.

Salvage by H. M. Ships.

Salvage, General.

Salvage (General).

497. Whenever services for which salvage is claimed are rendered either by the commander or crew or part of the crew of any of Her Majesty's ships or of any other ship, and the salvor voluntarily agrees to abandon his lien upon the ship, cargo, and property alleged to be salved upon the master or other person in charge thereof entering into a written agreement, attested by two witnesses, to abide the decision of the said High Court of Admiralty or of any vice-admiralty court, and thereby giving security in that behalf to such amount as may be agreed on by the parties to the said agreement, such agreement shall bind the said ship and the said cargo and the freight payable therefor respectively, and the respective owners of the said ship, freight, and cargo for the time being, and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be payable in respect of the said ship, cargo, and freight respectively to the extent of the security so given as aforesaid, and may be adjudicated upon and enforced in the same manner as the bonds provided for by the eighth part of this Act, in the case of detention for salvage services rendered by Her Majesty's ships; and upon such agreement being made the salvor and the master or other person in charge as aforesaid shall respectively make such statements as are herein-before required to be made by them in case of a bond being given, except that such statements need not be made upon oath; and the salvor shall, as soon as practicable, transmit the said agreement and the said statements to the court in which the said agreement is to be adjudicated upon.

Voluntary agreement may be made which shall have the same effect as the bond above mentioned.

498. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally ascertained, and exceeds two hundred pounds, and whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever such amount may be, then if any delay or dispute arises as to the apportionment thereof, any court having admiralty jurisdiction may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it

Powers for courts having Admiralty jurisdiction to apportion salvage.

Salvage (General).

thinks fit, appoint any person to carry such apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into court to be there dealt with as the court may direct, and may for the purposes aforesaid issue such monitions or other processes as it thinks fit.

Miscellaneous.

Miscellaneous.

Signals of distress.

498 *a.* The signals specified in the first schedule to this Act shall be deemed to be signals of distress.

Any master of a vessel who uses or displays, or causes or permits any person under his authority to use or display, any of the said signals, except in the case of a vessel being in distress, shall be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained in consequence of such signal having been supposed to be a signal of distress, and such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable. (Merchant Shipping Act, 1873, 36 & 37 Vict c. 85. s. 18.)

SCHEDULE I.

Signals of Distress.

In the daytime.—The following signals, numbered 1, 2, and 3, when used or displayed together or separately, shall be deemed to be signals of distress in the daytime :

1. A gun fired at intervals of about a minute ;
2. The International Code signal of distress indicated by N C ;
3. The distant signal, consisting of a square flag having either above or below it a ball, or anything resembling a ball.

At night.—The following signals, numbered 1, 2, 3, when used or displayed together or separately, shall be deemed to be signals of distress at night :—

1. A gun fired at intervals of about a minute ;
2. Flames on the ship (as from a burning tar barrel, oil barrel, &c.) ;
3. Rockets or shells, of any colour or description, fired one at a time, at short intervals.

Power to alter rules as to signals

498 *b.* Her Majesty may from time to time by Order in Council repeal or alter the rules as to signals contained in the schedules to this Act, or make new rules in addition thereto or in substitution therefor, and any alterations in or additions to such rules made in manner aforesaid shall be of the same

force as the rules in the said schedules. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 20.)

Miscellaneous.

498 *c.* Any shipowner who is desirous of using, for the purposes of a private code, any rockets, lights, or other similar signals, may register such signals with the Board of Trade, and the Board shall give public notice of the signals so registered in such manner as they may think requisite for preventing such signals from being mistaken for signals of distress or signals for pilots.

Private signals.

The Board may refuse to register any signals which in their opinion cannot easily be distinguished from signals of distress or signals for pilots.

When any signal has been so registered the use or display thereof by any person acting under the authority of the shipowner in whose name it is registered shall not subject any person to any of the penalties or liabilities by this Act imposed upon persons using or displaying signals improperly. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 21.)

498 *d.* Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of the United Kingdom, or belonging to or forming part of the cargo thereof, are found on or near such coasts, or are brought into any port in the United Kingdom, the consul general of the country to which such ship, or, in the case of cargo, to which the owners of such cargo, may have belonged, or any consular officer of such country authorised in that behalf by any treaty or agreement with such country, shall, in the absence of the owner of such ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of such articles. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 19.)

In case of wreck of foreign ships, consul general to be deemed agent of owner.

499. All wreck, being foreign goods brought or coming into the United Kingdom or the Isle of Man, shall be subject to the same duties as if the same were imported into the United Kingdom or the Isle of Man respectively; and if any question arises as to the origin of such goods, they shall be deemed to be the produce of such country as the Commissioners of Customs may upon investigation determine.

Foreign goods found derelict to be subject to the same duties as on importation.

500. The Commissioners of Customs and Excise shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination, and all goods, wares, and merchandise saved from any ship stranded or wrecked on its outward voyage to be returned to the port at which the same were shipped; but such Commissioners are to take security for the due protection of the revenue in respect of such goods, wares, and merchandize.

Goods saved from ships wrecked to be forwarded to the ports of their original destination.

Miscellaneous.

Provision as to certain terms in Scotland.

501. All matters and things that may in pursuance of the eighth part of this Act be done by or to any justice or any two justices may in Scotland be done also by or to the sheriff of the county, including the sheriff substitute; and the expression "lord or lady of a manor" shall in the eighth part of this Act, so far as regards Scotland, include "heritable proprietor duly infeft."

PART IX.

LIABILITY OF SHIPOWNERS.

Application.

Application.

502. The ninth part of this Act shall apply to the whole of Her Majesty's dominions.

Application of Part IX. of Act.

Limitation of Liability.

Limitation of Liability.

503. No owner of any sea-going ship or share therein shall be liable to make good any loss or damage that may happen without his actual fault or privity of or to any of the following things; (that is to say,)

Owner not liable in respect of certain articles.

(1.) Of or to any goods, merchandise, or other things whatsoever taken in or put on board any such ship, by reason of any fire happening on board such ship,

(2.) Of or to any gold, silver, diamonds, watches, jewels, or precious stones taken in or put on board any such ship, by reason of any robbery, embezzlement, making away with or secreting thereof, unless the owner or shipper thereof has, at the time of shipping the same, inserted in his bills of lading or otherwise declared in writing to the master or owner of such ship the true nature and value of such articles,

To any extent whatever.

504. *No owner of any sea-going ship or share therein shall, in cases where all or any of the following events occur without his actual fault or privity; (that is to say,)*

Measure of owner's liability.

(1.) *Where any loss of life or personal injury is caused to any person being carried in such ship;*

(2.) *Where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board any such ship;*

(3.) *Where any loss of life or personal injury is by reason of the improper navigation of such sea-going ship as aforesaid caused to any person carried in any other ship or boat;*

(4.) *Where any loss or damage is by reason of any such improper navigation of such sea-going ship as aforesaid caused to any other ship or boat, or to any goods, merchandise, or other things whatsoever, on board any other ship or boat;*

Limitation of Liability.

Be answerable in damages to an extent beyond the value of his ship and the freight due or to grow due in respect of such ship during the voyage which at the time of the happening of any such events as aforesaid is in prosecution or contracted for, subject to the following proviso, (that is to say,) that in no case where any such liability as aforesaid is incurred in respect of loss of life or personal injury to any passenger, shall the value of any such ship and the freight thereof be taken to be less than fifteen pounds per registered ton. (Repealed by Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63.)

Value of carriage of goods and passage money to be considered as freight.

505. *For the purposes of the ninth part of this Act, the freight shall be deemed to include the value of the carriage of any goods or merchandise belonging to the owners of the ship, passage money, and also the hire due or to grow due under or by virtue of any contract, except only such hire in the case of a ship hired for time as may not begin to be earned until the expiration of six months after such loss or damage.* (Repealed by Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63.)

Shipowners liability limited.

505 *a.* The owners of any ship, whether British or foreign, shall not, in cases where all or any of the following events occur without their actual fault or privity; that is to say,

(1.) Where any loss of life or personal injury is caused to any person being carried in such ship;

(2.) Where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board any such ship;

(3.) Where any loss of life or personal injury is by reason of the improper navigation of such ship as aforesaid caused to any person carried in any other ship or boat;

(4.) Where any loss or damage is by reason of the improper navigation of such ship as aforesaid caused to any other ship or boat, or to any goods, merchandise, or other things whatsoever on board any other ship or boat;

be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, merchandise, or other things, to an aggregate amount exceeding fifteen pounds for each ton of their ship's tonnage; nor in respect of loss or damage to ships, goods, merchandise or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding eight pounds for each ton of the ship's tonnage; such tonnage to be the registered tonnage in the case of sailing ships, and in the case of steam ships the gross tonnage without deduction on account of engine room;

Limitation of Liability.

In the case of any foreign ship which has been or can be measured according to British law, the tonnage as ascertained by such measurement shall, for the purposes of this section, be deemed to be the tonnage of such ship:

In the case of any foreign ship which has not been and cannot be measured under British law, the Surveyor General of Tonnage in the United Kingdom, and the chief measuring officer in any British possession abroad, shall, on receiving from or by direction of the court hearing the case such evidence concerning the dimensions of the ship as it may be found practicable to furnish, give a certificate under his hand, stating what would in his opinion have been the tonnage of such ship if she had been duly measured according to British law, and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 54.)

Limitation of invalidity of insurances.

505 *b*. Insurances effected against any or all of the events enumerated in the section last preceding, and occurring without such actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 55.)

Provision for separate losses.

506. The owner of every sea-going ship or share therein shall be liable in respect of every such loss of life, personal injury, loss of or damage to goods as aforesaid, arising on distinct occasions, to the same extent as if no other loss, injury, or damage had arisen.

Proof of passengers on board lost ship.

506 *a*. In any proceeding under the five hundred and sixth section of the principal Act or any Act amending the same against the owner of any ship or share therein in respect of loss of life, the master's list or the duplicate list of passengers delivered to the proper officer of customs under the sixteenth section of "The Passengers Act, 1855,"* shall, in the absence of proof to the contrary, be sufficient proof that the persons in respect of whose death any such prosecution or proceeding is instituted were passengers on board such ship at the time of their deaths. (Merchant Shipping Act Amendment Act, 1862, 25 & 36 Vict. c. 63. s. 56.)

Mode of Procedure.

Mode of Procedure.

In case of loss of life or personal injury, Board of Trade may direct proceedings.

507. Whenever any such liability as aforesaid has been or is alleged to have been incurred in respect of loss of life or personal injury, the Board of Trade may, in its discretion, after giving not less than three days notice by post or otherwise to the party to be made defendant or defender, by warrant sealed with the seal of such Board or signed by one of its secretaries

* s. 325, p. 235.

Mode of Procedure.

or assistant secretaries, require the sheriff having jurisdiction over any place in the United Kingdom to summon a jury at a time and place to be specified in such warrant, for the purpose of determining the following question; (that is to say,)

> The number, names, and descriptions of all persons killed or injured by reason of any wrongful act, neglect, or default:

And upon the receipt of such warrant the sheriff shall summon a jury of twenty-four indifferent persons, duly qualified to act as common jurymen in the superior courts, to meet at such time and place as aforesaid.

Either party may require question to be tried by a special jury.

508. If either party to the inquiry desire any such question as aforesaid to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if coming from the other party, is given to the Board of Trade before it has issued its warrant to the sheriff; and for that purpose the Board of Trade shall, by its warrant to the sheriff, require him to nominate a special jury for such trial; and thereupon the sheriff shall, as soon as conveniently may be after the receipt by him of such warrant, summon both the parties to appear before him, by themselves or their attornies or agents, at some convenient time and place appointed by him for the purpose of nominating a special jury; and at the place and time so appointed the sheriff shall proceed to nominate and strike a special jury in the manner in which such juries are required by the laws for the time being in force to be nominated or struck by the proper officers of the superior courts; and the sheriff shall appoint a day, and shall on the day so appointed proceed to reduce the said special jury to the number of twenty, in the manner used and accustomed by the proper officers of the superior courts.

Provisions for conduct of proceedings.

509. The following provisions shall be applicable to the conduct of proceedings by the Board of Trade; (that is to say,)

(1.) The sheriff shall preside at such inquiry, and the Board of Trade shall be deemed in England and Ireland to be the plaintiff, and in Scotland the pursuer, both of which terms are herein-after included in the term plaintiff, with power to appoint any agent to act on its behalf, and shall have all such rights and privileges as the plaintiff is entitled to in actions at law; and the owner or owners of the ship or ships by whom such liability as last aforesaid is alleged to have been incurred shall be deemed in England and Ireland to be the defendant, and in Scotland the defender, both of which terms are herein-after included in the term defendant:

Mode of Procedure.

(2.) Not less than ten days notice of the time and place of the inquiry shall be served by the Board of Trade on the defendant:

(3.) Service on the master of any ship shall be deemed good service on the owner thereof, and the master shall, in respect of the proceedings on such inquiry, be deemed the agent and representative of the owner, with power to appear for him on such inquiry, and to do all matters and things which he might himself have done:

(4.) If the defendant does not appear at the time of such inquiry, the same shall be proceeded with as if he had appeared, upon due proof of service of notice having been made on him in pursuance of this Act:

(5.) The empannelling of the jury and the summoning and attendance of witnesses shall be conducted and enforced in England and Ireland in manner provided by the Lands Clauses Consolidation Act, 1845, in cases of disputed compensation as to land, and in Scotland in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, in like cases, or as near thereto as circumstances permit; and all provisions in the said Acts having reference to cases where any question of disputed compensation requires to be determined by the verdict of a jury shall, with the requisite alterations, be considered as incorporated with this Act, and to have reference to cases where the question of the liability of any owner in respect of any such accident as aforesaid requires to be determined by the verdict of a jury:

(6.) In England and Ireland the sheriff shall, if the Board of Trade so requires, or if the defendant so requires and the Board of Trade consents thereto, appoint as assessor a barrister-at-law of competent knowledge and standing:

(7.) The costs incurred by all parties in and incidental to any such inquiry as aforesaid shall in England and Ireland be taxed by the master of one of Her Majesty's superior courts of common law as between attorney and client, and in Scotland by the Auditor of the Court of Session as between agent and client, and shall, if the verdict in any inquiry is in favour of the plaintiff, be paid by the defendant, but if such verdict is in favour of the defendant, be paid by the Board of Trade out of the Mercantile Marine Fund:

(8.) The payment of all damages and costs in any such inquiry as aforesaid shall, upon application made to such superior court as aforesaid by the party entitled thereto, be enforced by rule or order of such court

Mode of Procedure.

or a judge thereof, or otherwise as such court or judge thinks fit:

(9.) The Board of Trade may make any compromise it thinks fit as to the damages payable in respect of personal injury, or of the death of any person; and any damages received in pursuance of such compromise shall, so far as the same extend, be applied in the same manner and be subject to the same rules as if the same were damages recovered on an inquiry instituted by the Board of Trade.

Rules as to damages and application thereof.

510. The following rules shall be observed as to the damages recovered in any such inquiry, and the application thereof; (that is to say,)

(1.) The damages payable in each case of death or injury shall be assessed at thirty pounds:

(2.) The damages found due on any such inquiry as aforesaid shall be the first charge on the aggregate amount for which the owner is liable, and shall be paid thereout in priority to all other claims:

(3.) All such damages as aforesaid shall be paid to Her Majesty's Paymaster General, and shall be distributed and dealt with by him in such manner as the Board of Trade directs; and in directing such distribution the Board of Trade shall have power, in the first place, to deduct and retain any costs incidental thereto, and in the next place, as regards the sums paid in respect of injuries, shall direct payment to each person injured of such compensation, not exceeding in any case the statutory amount, as the said Board thinks fit, and as regards the sums paid in respect of deaths shall direct payment thereof for the benefit of the husband, wife, parent, and child of the deceased, or any of them, in such shares, upon such evidence, and in such manner as the said Board thinks fit:

(4.) The Board of Trade shall refund to the owner any surplus remaining under its control after making such distribution as aforesaid, and the sum so refunded shall form part of the residue herein-after mentioned:

(5.) The Board of Trade shall not, nor shall any person acting under it, be liable to any action, suit, account, claim, or demand whatsoever for or in respect of any act or matter done or omitted to be done in the distribution of such damages as aforesaid:

(6.) If the amount paid to Her Majesty's Paymaster General in manner aforesaid is insufficient to meet the demands upon it, the several claims thereon shall abate proportionally.

Mode of Procedure

Any person who is dissatisfied with the amount of statutory damage may bring an action on his own account.

511. After the completion of such inquiry as aforesaid, if any person injured estimates the damages payable in respect of such injury, or if the executor or administrator of any deceased person estimates the damages payable in respect of his death, at a greater sum than such statutory amount, or, in case of a compromise having been made by the Board of Trade, than the amount accepted by such Board by way of compensation for such injury or death as aforesaid, the person so estimating the same shall, upon repaying or obtaining the repayment by the Board of Trade to the owner of the amount paid by him to the Board of Trade in respect of such injury or death, be at liberty to bring an action for the recovery of damages in the same manner as if no power of instituting an inquiry had herein-before been given to the Board of Trade, subject to the following proviso; (that is to say,) that any damages recoverable by such person shall be payable only out of the residue, if any, of the aggregate amount for which the owner is liable, after deducting all sums paid to Her Majesty's Paymaster General in manner aforesaid; and if the damages recovered in such action do not exceed double the statutory amount, such person shall pay to the defendant in such action all the costs thereof, such costs to be taxed in England and Ireland as between attorney and client, and in Scotland as between agent and client.

If Board of Trade decline to institute proceedings, individuals may bring actions.

512. In cases where loss of life or personal injury has occurred by any accident in respect of which the owner of any such ship as aforesaid is or is alleged to be liable in damages, no person shall be entitled to bring any action or institute any suit or other legal proceeding in the United Kingdom until the completion of the inquiry (if any) instituted by the Board of Trade, or until the Board of Trade has refused to institute the same; and the Board of Trade shall, for the purpose of entitling any person to bring an action or institute a suit or other legal proceeding, be deemed to have refused to institute such inquiry whenever notice has been served on it by any person of his desire to bring such action or institute such suit or other legal proceeding, and no inquiry is instituted by the Board of Trade in respect of the subject matter of such intended action, suit, or proceeding for the space of one month after the service of such notice.

Proceedings by Board of Trade after refusal.

513. Whenever the Board of Trade, having refused in manner aforesaid to institute any inquiry, afterwards determines to institute the same, the damages and costs (if any) recovered on such inquiry shall be payable rateably with and not in priority to the costs and damages recovered in any other action, suit, or legal proceeding.

Proceedings in case of several claims

514. In cases where any liability has been or is alleged to have been incurred by any owner in respect of loss of life,

Mode of Procedure.

being made on owner of ship.

personal injury, or loss of or damage to ships, boats, or goods, and several claims are made or apprehended in respect of such liability, then, subject to the right herein-before given to the Board of Trade of recovering damages in the United Kingdom in respect of loss of life or personal injury, it shall be lawful in England or Ireland for the High Court of Chancery, and in Scotland for the Court of Session, and in any British possession for any competent court, to entertain proceedings at the suit of any owner for the purpose of determining the amount of such liability, subject as aforesaid, and for the distribution of such amount rateably amongst the several claimants, with power for any such court to stop all actions and suits pending in any other court in relation to the same subject matter; and any proceeding entertained by such Court of Chancery or Court of Session, or other competent court, may be conducted in such manner, and subject to such regulations as to making any persons interested parties to the same, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of costs, as the court thinks just.

Jurisdiction of superior courts of common law.

514 *a.* The eighty-eighth section of the Common Law Procedure Act, 1854, shall be and is hereby repealed; and from and after the passing of this Act the superior courts or any judge thereof may, upon summary application, by rule or order exercise such and the like jurisdiction as may be exercised by the Court of Chancery under the provisions of the ninth part of the Merchant Shipping Act, 1854. (The Common Law Procedure Act, 1860, 23 & 24 Vict. c. 126. s. 35.)

Part 9 of 17 & 18 Vict. c. 104. extended to Court of Admiralty.

514 *b.* Whenever any ship or vessel, or the proceeds thereof, are under arrest of the High Court of Admiralty, the said court shall have the same powers as are conferred upon the High Court of Chancery in England by the ninth part of "The Merchant Shipping Act, 1854." (Admiralty Court Act, 1862, 24 Vict. c. 10.)

Part 9 of 17 & 18 Vict. c. 104. extended to Irish Court of Admiralty.

514 *c.* The Court of Admiralty shall have the same powers as are conferred upon the High Court of Chancery in Ireland by the ninth part of the Merchant Shipping Act, 1854. (The Court of Admiralty (*Ireland*) Act, 1867, 30 & 31 Vict. c. 114. s. 36.)

Money paid for damage how to be accounted for between part owners.

515. All sums of money paid for or on account of any loss or damage in respect whereof the liability of the owners of any ship is limited by the ninth part of this Act, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

Saving Clause.

Saving Clause.

516. Nothing in the ninth part of this Act contained shall be construed— Saving clause.

To lessen or take away any liability to which any master or seaman, being also owner or part owner of the ship to which he belongs, is subject in his capacity of master or seaman; or

To extend to any British ship not being a recognised British ship within the meaning of this Act.

PART X.

LEGAL PROCEDURE.

Application.

Application of Part X. of the Act.

Application.

517. The tenth part of this Act shall in all cases, where no particular country is mentioned, apply to the whole of Her Majesty's dominions.

Legal Procedure (General).

Punishment of offences and recovery of penalties

Legal Procedure (General).

518. In all places within Her Majesty's dominions, except Scotland, the offences herein-after mentioned shall be punished and penalties recovered in manner following; (that is to say,)

(1.) Every offence by this Act declared to be a misdemeanor shall be punishable by fine or imprisonment with or without hard labour, and the court before which such offence is tried, may in England make the same allowances and order payment of the same costs and expenses as if such misdemeanor had been enumerated in the Act passed in the seventh year of His late Majesty King George the Fourth, chapter sixty-four, or any other Act that may be passed for the like purpose, and may in any other part of Her Majesty's dominions make such allowances and order payment of such costs and expenses (if any) as are payable or allowable upon the trial of any misdemeanor under any existing Act or ordinance, or as may be payable or allowable under any Act or law for the time being in force therein;

7 G. 4. c 64.

(2.) Every offence declared by this Act to be a misdemeanor shall also be deemed to be an offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by a penalty not exceeding one hundred pounds, and may be prosecuted accordingly in a summary manner, instead of being prosecuted as a misdemeanor:

(3.) Every offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by any penalty not exceeding one hundred pounds, shall in England and Ireland be prosecuted summarily before any two or more justices, as to England in the manner directed by the Act of the eleventh and twelfth

years of the reign of Her Majesty Queen Victoria, chapter forty-three, and as to Ireland in the manner directed by the Act of the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chapter ninety-three, or in such other manner as may be directed by any Act or Acts that may be passed for like purposes: And all provisions contained in the said Acts shall be applicable to such prosecutions in the same manner as if the offences in respect of which the same are instituted were hereby stated to be offences in respect of which two or more justices have power to convict summarily or to make a summary order:

(4.) In all cases of summary convictions in England, where the sum adjudged to be paid exceeds five pounds, or the period of imprisonment adjudged exceeds one month, any person who thinks himself aggrieved by such conviction may appeal to the next court of general or quarter sessions which is holden not less than twelve days after the day of such conviction for the county, city, borough, liberty, riding, division, or place wherein the case has been tried; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizance being entered into, the justice before whom the same shall be entered into shall liberate such person, if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet, and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as may be awarded, and shall, if necessary, issue process for enforcing such judgment.

(5.) All offences under this Act shall in any British possession be punishable in any court or by any justice of the peace or magistrate in which or by whom

Legal Procedure (General).

offences of a like character are ordinarily punishable, or in such other manner, or by such other courts, justices, or magistrates, as may from time to time be determined by any Act or ordinance duly made in such possession in such manner as Acts and ordinances in such possession are required to be made in order to have the force of law.

20 & 21 Vict c. 43. s. 3 not to apply to proceedings under Board of Trade or this Act, &c.

518 *a.* Nothing in the third section of the Act passed in the twentieth and twenty-first years of the reign of Her present Majesty, chapter forty-three, except so much thereof as provides for the payment of any fees that may be due to the clerk of the justices, shall be deemed to apply to extend to any proceeding under the direction of the Board of Trade, or under or by virtue of the provisions of the principal Act or this Act, or any Act amending the same. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 65.)

Stipendiary magistrate to have same power as two justices.

519. Any stipendiary magistrate shall have full power to do alone whatever two justices of the peace are by this Act authorised to do.

Harbour master at Holyhead may be commissioned as justice.

519 *a.* The harbour master for the time being of the harbour of Holyhead, in the event of it seeming meet to Her Majesty to assign to him Her Majesty's commission to act as a justice of the peace within the limits within which he is empowered to act in harbour matters, shall, during the continuance of such assignment and of his tenure of the office of harbour master, execute within such limits the duties of a justice of the peace, notwithstanding he may not be qualified by estate to be a justice of the peace for a county, and shall have within such limits the same power and jurisdiction as a stipendiary magistrate has by Act of Parliament when sitting at a police court or other place appointed in that behalf. (Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 12.)

Offence where deemed to have been committed.

520. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

As to offences committed within the jurisdiction of the Admiralty.

520 *a.* Where any person shall, within the jurisdiction of the Admiralty of England or Ireland, become an accessory to any felony, whether the same be a felony at common law or by virtue of any Act passed or to be passed, and whether such felony shall be committed within that jurisdiction or elsewhere, or shall be begun within that jurisdiction and completed elsewhere, or shall be begun elsewhere and completed within that jurisdiction, the offence of such person shall be

felony; and in any indictment for any such offence the venue in the margin shall be the same as if the offence had been committed in the county or place in which such person shall be indicted, and his offence shall be averred to have been committed "on the high seas;" provided that nothing herein contained shall alter or affect any of the laws relating to the government of Her Majesty's land or naval forces. (24 & 25 Vict. c. 94. s. 9.)

Offences committed within the jurisdiction of the Admiralty.

520 *b*. All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried and determined in any county or place in which the offender shall be apprehended or be in custody; and in any indictment for any such offence or for being an accessory to any such offence the venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence itself shall be averred to have been committed "on the high seas;" provided, that nothing herein contained shall alter or affect any of the laws relating to the government of Her Majesty's land or naval forces. (Larceny, &c. Act, 1861, 24 & 25 Vict. c. 96. s. 115.)

Restrictions on proceedings in the Court of Admiralty or superior court.

520 *c*. If any person shall take in the High Court of Admiralty of England or in any superior court proceedings which he might, without agreement, have taken in a county court, except by order of the judge of the High Court of Admiralty or of such superior court or of a county court having Admiralty jurisdiction, and shall not recover a sum exceeding the amount to which the jurisdiction of the county court in that Admiralty cause is limited by this Act, and also if any person without agreement shall, except by order as aforesaid, take proceedings as to salvage in the High Court of Admiralty or in any superior court in respect of property saved, the value of which when saved does not exceed one thousand pounds, he shall not be entitled to costs, and shall be liable to be condemned in costs, unless the judge of the High Court of Admiralty or of a superior court before whom the cause is tried or heard shall certify that it was a proper Admiralty cause to be tried in the High Court of Admiralty of England or in a superior court. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 9.)

Jurisdiction over ships lying off the coasts.

521. In all cases where any district within which any court or justice of the peace or other magistrate has jurisdiction, either under this Act or under any other Act or at common law, for any purpose whatever, is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice

Legal Procedure (General).

of the peace, or magistrate shall have jurisdiction over any ship or boat being on or lying or passing off such coast, or being in or near such bay, channel, lake, river, or navigable water as aforesaid, and over all persons on board such ship or boat or for the time being belonging thereto, in the same manner as if such ship, boat, or persons were within the limits of the original jurisdiction of such court, justice, or magistrate.

Jurisdiction in cases of offences on board ship. 12 & 13 Vict. c. 96

521 *a.* If any person, being a British subject, charged with having committed any crime or offence on board any British ship on the high seas or in any foreign port or harbour, or if any person, not being a British subject, charged with having committed any crime or offence on board any British ship on the high seas, is found within the jurisdiction of any court of justice in Her Majesty's dominions which would have had cognizance of such crime or offence if committed within the limits of its ordinary jurisdiction, such court shall have jurisdiction to hear and try the case as if such crime or offence had been committed within such limits: Provided, that nothing contained in this section shall be construed to alter or interfere with the Act of the thirteenth year of Her present Majesty, chapter ninety-six. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 91. s. 21.)

Offences by British subjects on board ships.

521 *b.* If any British subject commits any crime or offence on board any British ship, or on board any foreign ship to which he does not belong, any court of justice in Her Majesty's dominions, which would have had cognizance of such crime or offence if committed on board a British ship within the limits of the ordinary jurisdiction of such court, shall have jurisdiction to hear and determine the case as if the said crime or offence had been committed as last aforesaid. (Merchant Shipping Act, 1867, 30 & 31 Vict. c. 124. s. 11.) *

Service to be good if made personally, or on board ship.

522. Service of any summons or other matter in any legal proceeding under this Act shall be good service, if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any ship to which he may belong with the person being or appearing to be in command or charge of such ship.

Sums ordered to be paid leviable by distress on ship.

523. In all cases where any court, justice or justices of the peace, or other magistrate, has or have power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court, justice or justices, or other magistrate, who made the order, may, in addition to any other powers they

* *See also* s. 267.

or he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or poinding and sale of the said ship, her tackle, furniture, and apparel.

Application of penalties.

524. Any court, justice, or magistrate imposing any penalty under this Act, for which no specific application is herein provided, may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom; and all penalties recovered in any British possession shall be paid over into the public treasury of such possession, and form part of the public revenue thereof.

Limitation of time in summary proceedings.

525. The time for instituting summary proceedings under this Act shall be limited as follows; (that is to say,)

(1.) No conviction for any offence shall be made under this Act in any summary proceeding instituted in the United Kingdom unless such proceeding is commenced within six months after the commission of the offence; or, if both or either of the parties to such proceeding happen during such time to be out of the United Kingdom, unless the same is commenced within two months after they both first happen to arrive or to be at one time within the same:

(2.) No conviction for any offence shall be made under this Act in any proceeding instituted in any British possession, unless such proceeding is commenced within six months after the commission of the offence: or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within such jurisdiction:

(3.) No order for the payment of money shall be made under this Act, in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties happen during such time to be out of the United

Legal Procedure (General)

Kingdom, unless the same is commenced within six months after they both first happen to arrive or to be at one time within the same:

(4) No order for the payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within six months after they both first happen to arrive or be at one time within such jurisdiction:

And no provision contained in any other Act or Acts, Ordinance or Ordinances, for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

Document proved without calling attesting witness

526. Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness or witnesses or any of them.

As to claims for damage by any ship.

526 *a.* The High Court of Admiralty shall have jurisdiction over any claim for damage done by any ship. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 7.)

Power of judge of court of record or Admiralty to arrest foreign ship that has occasioned damage.

527. Whenever any injury has, in any part of the world, been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, if at any time thereafter such ship is found in any port or river of the United Kingdom, or within three miles of the coast thereof, it shall be lawful for the judge of any court of record in the United Kingdom, or for the judge of the High Court of Admiralty, or in Scotland the Court of Session, or the sheriff of the county within whose jurisdiction such ship may be, upon its being shown to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or mariners of such ship, to issue an order directed to any officer of customs or other officer named by such judge, requiring him to detain such ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom such order is directed shall detain such ship accordingly.

Legal Procedure (General).

Power in certain cases to detain ship before application made to judge.

528. In any case where it appears that before any application can be made under the foregoing section such foreign ship will have departed beyond the limits therein mentioned it shall be lawful for any commissioned officer on full pay in the military or naval service of Her Majesty, or any British officer of customs, or any British consular officer, to detain such ship until such time as will allow such application to be made and the result thereof to be communicated to him; and no such officer shall be liable for any costs or damages in respect of such detention unless the same is proved to have been made without reasonable grounds.

Who to be defendant to suit in such cases.

529. In any action, suit, or other proceeding in relation to such injury the person so giving security as aforesaid shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned such damage; and the production of the order of the judge made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.

Procedure under other Acts relating to Merchant Shipping.

529 *a.* All criminal proceedings under "The Seamen's Fund Winding-up Act, 1851," "The Pilotage Law Amendment Act, 1853," "The Merchant Shipping Law Amendment Act, 1853," or this Act, shall be carried on in the same manner as similar proceedings under "The Merchant Shipping Act, 1854;" and all rules of law, practice, and evidence which are applicable to such last-mentioned proceedings shall be applicable to criminal proceedings under this Act. (Merchant Shipping Repeal Act, 1854, 17 & 18 Vict. c. 120. s. 15.)

Board of Trade may sue in name of its officers.

529 *b.* In any legal proceedings under the Merchant Shipping Acts, 1854 to 1873, the Board of Trade may take proceedings in the name of any of their officers. (Merchant Shipping Act, 1873, 36 & 37 Vict. c. 85. s. 31.)

Legal Procedure (Scotland).

Offences punishable as misdemeanors.

Legal Procedure (Scotland).

530. In Scotland every offence which by this Act is described as a felony or misdemeanor may be prosecuted by indictment or criminal letters at the instance of Her Majesty's advocate before the High Court of Justiciary, or by criminal libel at the instance of the procurator fiscal of the county before the sheriff, and shall be punishable with fine and with imprisonment, with or without hard labour in default of payment, or with imprisonment, with or without hard labour, or with both, as the court may think fit, or in the case of felony with penal servitude, where the court is competent thereto; and such court may also, if it think fit, order payment by the offender of the costs and expenses of the prosecution.

Legal Procedure (Scotland.)

Summary proceedings.

531. In Scotland all prosecutions, complaints, actions, or proceedings under this Act, other than prosecutions for felonies or misdemeanors, may be brought in a summary form before the sheriff of the county, or before any two justices of the peace of the county or burgh where the cause of such prosecution or action arises, or where the offender or defender may be for the time, and when of a criminal nature or for penalties, at the instance of the procurator fiscal of court, or at the instance of any party aggrieved, with concurrence of the procurator fiscal of court; and the court may, if it think fit, order payment by the offender or defender of the costs of the prosecution or action.

Form of complaint.

532. In Scotland all prosecutions, complaints, actions, or other proceedings under this Act may be brought either in a written or printed form, or partly written and partly printed, and where such proceedings are brought in a summary form it shall not be necessary in the complaint to recite or set forth the clause or clauses of the Act on which such proceeding is founded, but it shall be sufficient to specify or refer to such clause or clauses, and to set forth shortly the cause of complaint or action, and the remedy sought; and when such complaint or action is brought in whole or in part for the enforcement of a pecuniary debt or demand the complaint may contain a prayer for warrant to arrest upon the dependence.

Mode of requiring appearance of defender and witnesses.

533. In Scotland on any complaint or other proceeding brought in a summary form under this Act being presented to the sheriff clerk or clerk of the peace, he shall grant warrant to cite the defender to appear personally before the said sheriff or justices of the peace on a day fixed, and at the same time shall appoint a copy of the same to be delivered to him by a sheriff officer or constable, as the case may be, along with the citation; and such deliverance shall also contain a warrant for citing witnesses and havers to compear at the same time and place to give evidence and produce such writs as may be specified in their citation; and where such warrant has been prayed for in the complaint or other proceeding the deliverance of the sheriff clerk or clerk of the peace shall also contain warrant to arrest upon the dependence in common form: Provided always, that where the apprehension of any party, with or without a warrant, is authorised by this Act such party may be detained in custody until he can be brought at the earliest opportunity before any two justices or the sheriff who may have jurisdiction in the place, to be dealt with as this Act directs, and no citation or induciæ shall in such case be necessary.

Backing arrestments.

534. When it becomes necessary to execute such arrestment on the dependence against goods or effects of the

defender within Scotland, but not locally situated within the jurisdiction of the sheriff or justices of the peace by whom the warrant to arrest has been granted, it shall be competent to carry the warrant into execution on its being indorsed by the sheriff clerk or clerk of the peace of the county or burgh respectively within which such warrant comes to be executed.

Legal Procedure (Scotland).

535. In all proceedings under this Act in Scotland the sheriff or justices of the peace shall have the same power of compelling attendance of witnesses and havers as in cases falling under their ordinary jurisdiction.

Compelling attendance of witnesses.

536. The whole procedure in cases brought in a summary form before the sheriff or justices of the peace in Scotland shall be conducted *vivâ voce,* without written pleadings, and without taking down the evidence in writing, and no record shall be kept of the proceedings other than the complaint, and the sentence or decree pronounced thereon.

Proceedings to be vivâ voce.

537. It shall be in the power of the sheriff or justices of the peace in Scotland to adjourn the proceedings from time to time to any day or days to be fixed by them, in the event of absence of witnesses or of any other cause which shall appear to them to render such adjournment necessary.

Power to adjourn.

538. In Scotland all sentences and decrees to be pronounced by the sheriff or justices of the peace upon such summary complaints shall be in writing; and where there is a decree for payment of any sum or sums of money against a defender, such decree shall contain warrant for arrestment, poinding, and imprisonment in default of payment, such arrestment, poinding, or imprisonment to be carried into effect by sheriffs officers or constables, as the case may be, in the same manner as in cases arising under the ordinary jurisdiction in the sheriff or justices: Provided always, that nothing herein contained shall be taken or construed to repeal or affect an Act of the fifth and sixth years of William the Fourth, intituled An Act for abolishing, in Scotland, imprisonment for civil debts of small amount.

Sentence to be in writing.

Imprisonment to be inflicted in default of payment.

5 & 6 W. 4. c. 70.

539. In all summary complaints and proceedings for recovery of any penalty or sum of money in Scotland, if a defender who has been duly cited shall not appear at the time and place required by the citation, he shall be held as confessed, and sentence or decree shall be pronounced against him in terms of the complaint, with such costs and expenses as to the court shall seem fit: Provided always, that he shall be entitled to obtain himself reponed against any such decree at any time before the same be fully implemented, by lodging with the clerk of court a reponing note, and consigning in his hands the sum decerned for, and the costs which had been awarded

Sentence and penalties in default of defender's appearance.

Legal Procedure (Scotland).

by the court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the clerk of court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the court, or on any day to which the court shall then adjourn it.

Warrant to apprehend in default of appearance.

540. In all summary complaints or other proceedings not brought for the recovery of any penalty or sum of money in Scotland, if a defender, being duly cited, shall fail to appear, the sheriff or justices may grant warrant to apprehend and bring him before the court.

Backing sentences or decrees.

541. In all cases where sentences or decrees of the sheriff or justices require to be enforced within Scotland, but beyond the jurisdiction of the sheriff or justices by whom such sentences or decrees have been pronounced, it shall be competent to carry the same into execution upon the same being indorsed by the sheriff clerk or clerk of the peace of the county or burgh within which such execution is to take place.

Orders not to be quashed for want of form; and to be final.

542. No order, decree, or sentence pronounced by any sheriff or justice of the peace in Scotland under the authority of this Act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees, and sentences so pronounced shall be final and conclusive, and not subject to suspension, advocation, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the sheriff or justices, in which case the suspension, advocation, or reduction must be brought within fourteen days of the date of the order, decree, or sentence complained of: Provided always, that no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence.

General rules, so far as applicable, to extend to penalties and proceedings in Scotland

543. Such of the general provisions with respect to jurisdiction, procedure, and penalties contained in this Act as are not inconsistent with the special rules herein-before laid down for the conduct of legal proceedings and the recovery of penalties in Scotland, shall, so far as the same are applicable, extend to such last-mentioned proceedings and penalties: Provided always, that nothing in this Act contained shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or by the direction of the Lord Advocate, or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court of Admiralty of England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

Admiralty Court.

Admiralty Court.

543 *a.* The High Court of Admiralty shall be a court of record for all intents and purposes. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 14.)

Court to be a court of record.

543 *b.* All decrees and orders of the High Court of Admiralty, whereby any sum of money, or any costs, charges, or expenses, shall be payable to any person, shall have the same effect as judgments in the superior courts of common law, and the persons to whom any such moneys, or costs, charges, or expenses, shall be payable, shall be deemed judgment creditors, and all powers of enforcing judgments possessed by the superior courts of common law, or any judge thereof, with respect to matters depending in the same courts, as well against the ships and goods arrested as against the person of the judgment debtor, shall be possessed by the said Court of Admiralty with respect to matters therein depending; and all remedies at common law possessed by judgment creditors shall be in like manner possessed by persons to whom any moneys, costs, charges, or expenses are by such orders or decrees of the said Court of Admiralty directed to be paid. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 15.)

Decrees and orders of Court of Admiralty to have effect of judgments at common law.

543 *c.* If any claim shall be made to any goods or chattels taken in execution under any process of the High Court of Admiralty, or in respect of the seizure thereof, or any act or matter connected therewith, or in respect of the proceeds or value of any such goods or chattels, by any landlord for rent, or by any person not being the party against whom the process has issued, the registrar of the said court may, upon application of the officer charged with the execution of the process, whether before or after any action brought against such officer, issue a summons calling before the said court both the party issuing such process and the party making the claim, and thereupon any action which shall have been brought in any of Her Majesty's superior courts of record, or in any local or inferior court, in respect of such claim, seizure, act, or matter as aforesaid, shall be stayed, and the court in which such action shall have been brought, or any judge thereof, on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing the action to pay the costs of all proceedings had upon the action after issue of the summons out of the said Admiralty Court, and the judge of the said Admiralty Court shall adjudicate upon the claim, and make such order between the parties in respect thereof, and of the costs of the proceedings, as to him shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in the said court. Where any such claim shall be made as aforesaid the claimant may deposit with the officer charged with the execution of the

As to claims to goods taken in execution.

Admiralty Court.

process either the amount or value of the goods claimed, the value to be fixed by appraisement in case of dispute, to be by the officer paid into court to abide the decision of the judge upon the claim, or the sum which the officer shall be allowed to charge as costs for keeping possession of the goods until such decision can be obtained, and in default of the claimant so doing the officer may sell the goods as if no such claim had been made, and shall pay into court the proceeds of the sale, to abide the decision of the judge. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 16.)

Powers of superior courts extended to Court of Admiralty.

543 *d.* The judge of the High Court of Admiralty shall have all such powers as are possessed by any of the superior courts of common law or any judge thereof to compel either party in any cause or matter to answer interrogatories, and to enforce the production, inspection, and delivery of copies of any document in his possession or power. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 17.)

Party in Court of Admiralty may apply for an order for inspection by Trinity masters

543 *e.* Any party in a cause in the High Court of Admiralty shall be at liberty to apply to the said court for an order for the inspection by the Trinity masters or others appointed for the trial of the said cause, or by the party himself or his witnesses, of any ship or other personal or real property, the inspection of which may be material to the issue of the cause, and the court may make such order in respect of the costs arising thereout as to it shall seem fit. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 18.)

Admission of documents.

543 *f.* Any party in a cause in the High Court of Admiralty may call on any other party in the cause by notice in writing to admit any document, saving all just exceptions, and in case of refusal or neglect to admit, the costs of proving the document shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless at the trial the judge shall certify that the refusal to admit was reasonable. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 19.)

Power to Court of Admiralty, when personal service of citation has not been effected, to order parties to proceed.

543 *g.* Whenever it shall be made to appear to the judge of the High Court of Admiralty that reasonable efforts have been made to effect personal service of any citation, monition, or other process issued under seal of the said court, and either that the same has come to the knowledge of the party thereby cited or monished, or that he wilfully evades service of the same, and has not appeared thereto, the said judge may order that the party on whose behalf the citation, monition, or other process was issued be at liberty to proceed as if personal service had been effected, subject to such conditions as to the judge may seem fit; and all proceedings thereon shall be as effectual as if personal service of such citation, monition, or other process had been effected. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 20.)

543 *h.* The service in any part of Great Britain or Ireland of any writ of subpœna ad testificandum or subpœna duces tecum, issued under seal of the High Court of Admiralty, shall be as effectual as if the same had been served in England or Wales. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 21.)

As to the service of subpœna out of England and Wales.

543 *i.* Any new writ or other process necessary or expedient for giving effect to any of the provisions of this Act may be issued from the High Court of Admiralty in such form as the judge of the said court shall from time to time direct. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 22.)

Power to issue new writs or other process.

543 *j.* All the powers possessed by any of the superior courts of common law, or any judge thereof, under the Common Law Procedure Act, 1854, and otherwise with regard to references to arbitration, proceedings thereon, and the enforcing of awards of arbitrators, shall be possessed by the judge of the High Court of Admiralty in all causes and matters depending in the said court, and the registrar of the said Court of Admiralty shall possess as to such matters the same powers as are possessed by the masters of the said superior courts of common law in relation thereto. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 23.)

Judge and registrar to have same power as to arbitration as judges and masters at common law.

543 *k.* The registrar of the High Court of Admiralty may exercise, with reference to causes and matters in the said court, the same powers as any surrogate of the judge of the said court sitting in chambers might or could have heretofore lawfully exercised; and all powers and authorities by this or any other Act conferred upon or vested in the registrar of the said High Court of Admiralty may be exercised by any deputy or assistant registrar of the said court. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 25.)

Powers of registrar and of deputy or assistant registrar.

543 *l.* The registrar of the said Court of Admiralty shall have power to administer oaths in relation to any cause or matter depending in the said court; and any person who shall wilfully depose or affirm falsely in any proceeding before the registrar or before any deputy or assistant registrar of the said court, or before any person authorised to administer oaths in the said court, shall be deemed to be guilty of perjury, and shall be liable to all the pains and penalties attaching to wilful and corrupt perjury. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 26.)

False oath or affirmation deemed perjury.

543 *m.* Any party aggrieved by any order or decree of the judge of the said Court of Admiralty, whether made ex parte or otherwise, may, with the permission of the judge, appeal therefrom to Her Majesty in Council, as fully and effectually as from any final decree or sentence of the said court. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 32.)

Power of appeal in interlocutory matters.

Admiralty Court.

Bail given in the Court of Admiralty good in the court of appeal.

543 *n.* In any cause in the High Court of Admiralty bail may be taken to answer the judgment as well of the said court as of the court of appeal, and the said High Court of Admiralty may withhold the release of any property under its arrest until such bail has been given, and in any appeal from any decree or order of the High Court of Admiralty the court of appeal may make and enforce its order against the surety or sureties who may have signed any such bail bond in the same manner as if the bail had been given in the court of appeal. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 33.)

As to the hearing of causes and cross causes.

543 *o.* The High Court of Admiralty may, on the application of the defendant in any cause of damage, and on his instituting a cross cause for the damage sustained by him in respect of the same collision, direct that the principal cause and the cross cause be heard at the same time and upon the same evidence; and if in the principal cause the ship of the defendant has been arrested or security given by him to answer judgment, and in the cross cause the ship of the plaintiff cannot be arrested, and security has not been given to answer judgment therein, the court may, if it think fit, suspend the proceedings in the principal cause until security has been given to answer judgment in the cross cause. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 34.)

Jurisdiction of the court.

543 *p.* The jurisdiction conferred by this Act on the High Court of Admiralty may be exercised either by proceedings in rem or by proceedings in personam. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 35.)

Offences committed within the jurisdiction of the Admiralty.

543 *q.* All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in which the offender shall be apprehended or be in custody; and in any indictment for any such offence or for being an accessory to any such offence the venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence itself shall be averred to have been committed "on the high seas;" provided that nothing herein contained shall alter or affect any of the laws relating to the government of Her Majesty's land or naval forces. (Larceny, &c. Act, 1861, 24 & 25 Vict. c. 96. s. 115.)

Appointment of county courts for Admiralty purposes.

543 *r.* If at any time after the passing of this Act it appears to Her Majesty in Council, on the representation of the Lord Chancellor, expedient that any county court should have Admiralty jurisdiction, it shall be lawful for Her Majesty, by Order in Council, to appoint that court to have Admiralty

jurisdiction accordingly, and to assign to that court as its district for Admiralty purposes any part or parts of any one or more district or districts of county courts; and the district so constituted for that court, with the parts of the sea (if any) adjacent to that district to a distance of three miles from the shore thereof, shall be deemed its district for Admiralty purposes; and accordingly the judge and all officers of the court shall have jurisdiction and authority for those purposes throughout that district as if the same was the district of the court for all purposes; and, from a time to be specified in each such order, this Act shall have effect in and throughout the district so constituted; and any such order may be from time to time varied as seems expedient; and a county court so appointed to have Admiralty jurisdiction, and no other county court, shall, for the purposes of this Act, be deemed a county court having Admiralty jurisdiction: Provided that no judge of a county court, except the judges of the London Court, shall have jurisdiction in the city of London. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 2.)

Admiralty Court.

Extent of Admiralty jurisdiction of county courts.

543 *s.* Any county court having Admiralty jurisdiction shall have jurisdiction, and all powers and authorities relating thereto, to try and determine, subject and according to the provisions of this Act, the following causes (in this Act referred to as Admiralty causes):

(1.) As to any claim for salvage—Any cause in which the value of the property saved does not exceed one thousand pounds, or in which the amount claimed does not exceed three hundred pounds:

(2.) As to any claim for towage, necessaries, or wages—Any cause in which the amount claimed does not exceed one hundred and fifty pounds:

(3.) As to any claim for damage to cargo, or damage by collision—Any cause in which the amount claimed does not exceed three hundred pounds:

(4.) Any cause in respect of any such claim or claims as aforesaid, but in which the value of the property saved or the amount claimed is beyond the amount limited as above mentioned, when the parties agree by a memorandum signed by them or by their attorneys or agents that any county court having Admiralty jurisdiction, and specified in the memorandum, shall have jurisdiction.* (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 8.)

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* Jurisdiction extended to—

(1.) Any claim arising out of any agreement made in relation to the use or hire of any ship, or in relation to the carriage of goods in any ship, and also as to any claim in tort in respect of goods carried in any ship, provided the amount claimed does not exceed three hundred pounds:

(2.) Any cause in respect of any such claim or claims as aforesaid, but in

Admiralty Court

No county court other than that appointed to have jurisdiction

543 *t*. From and after the time specified in each Order in Council under this Act appointing a county court to have Admiralty jurisdiction within any district as the time from which this Act shall have effect in and throughout that district, no county court, other than the county court so appointed, shall have jurisdiction within that district in any Admiralty cause; provided that all Admiralty causes at that time pending in any county court within that district may be continued as if no such Order in Council had been made (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict c. 71. s 5.)

As to transfer from county court by order of High Court of Admiralty.

543 *u* The High Court of Admiralty of England, on motion by any party to an Admiralty cause pending in a county court, may, if it shall think fit, with previous notice to the other party, transfer the cause to the High Court of Admiralty, and may order security for costs, or impose such other terms as to the court may seem fit. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 6)

As to transfer of causes by order of county court to High Court of Admiralty.

543 *v*. If during the progress of an Admiralty cause in a county court it appears to the court that the subject matter exceeds the limit in respect of amount of the Admiralty jurisdiction of the court, the validity of any order or decree theretofore made by the court shall not be thereby affected, but (unless the parties agree, by a memorandum signed by them or by their attorneys or agents, that the court shall retain jurisdiction,) the court shall by order transfer the cause to the High Court of Admiralty; but that court may, nevertheless, if the judge of that court in any case thinks fit, order that the cause shall be prosecuted in the county court in which it was commenced, and it shall be prosecuted accordingly. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 7.)

As to transfer of causes to other county courts or Court of Admiralty.

543 *w*. If during the progress of an Admiralty cause in a county court it shall appear to the court that the cause could be more conveniently prosecuted in some other county court, or in the High Court of Admiralty of England, the court may by order transfer it to such other county court, or to the High Court of Admiralty of England, as the case may be, and the cause shall thenceforward be so prosecuted accordingly. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 8.)

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which the amount claimed is beyond the amount limited as above-mentioned, when the parties agree, by a memorandum signed by them or by their attorneys or agents, that any county court having Admiralty jurisdiction, and specified in the memorandum, shall have jurisdiction

(3) All claims for damage to ships, whether by collision or otherwise, when the amount claimed does not exceed three hundred pounds (County Courts Admiralty Jurisdiction Amendment Act, 1869, 32 & 33 Vict. c. 51. ss. 2 and 4)

Admiralty Court.

Restrictions on proceedings in the Court of Admiralty or superior court.

543 *x*. If any person shall take in the High Court of Admiralty of England or in any superior court proceedings which he might, without agreement, have taken in a county court, except by order of the judge of the High Court of Admiralty or of such superior court or of a county court having Admiralty jurisdiction, and shall not recover a sum exceeding the amount to which the jurisdiction of the county court in that Admiralty cause is limited by this Act, and also, if any person without agreement shall, except by order as aforesaid, take proceedings as to salvage in the High Court of Admiralty or in any superior court in respect of property saved, the value of which when saved does not exceed one thousand pounds, he shall not be entitled to costs, and shall be liable to be condemned in costs, unless the judge of the High Court of Admiralty or of a superior court before whom the cause is tried or heard shall certify that it was a proper Admiralty cause to be tried in the High Court of Admiralty of England or in a superior court. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 9.)

Powers, &c. o judges and registrars.

543 *y*. In an Admiralty cause in a county court the cause shall be heard and determined in like manner as ordinary civil causes are now heard and determined in county courts; save and except that in any Admiralty cause of salvage, towage, or collision the county court judge shall, if he think fit, or on the request of either party to such cause, be assisted by two nautical (or mercantile*) assessors in the same way as the judge of the High Court of Admiralty is now assisted by nautical assessors. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 10.)

Power to judge of county court to summon nautical assessors to his assistance.

543 *z*. In any such Admiralty cause as last aforesaid it shall be lawful for the judge of the county court, if he think fit, and he shall, upon request of either party, summon to his assistance, in such manner as general orders shall direct, two nautical (or mercantile*) assessors, and such nautical (or mercantile*) assessors shall attend and assist accordingly. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 11.)

Decrees in county courts in Admiralty causes to have same force as those in civil causes.

543 *aa*. The decree of the county court in an Admiralty cause shall be enforced against the person or persons summoned as the defendant or defendants in the same manner as the decrees of the said court are enforced in ordinary civil causes, save and except as in this Act otherwise provided. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 12.)

Admiralty causes to be heard at usual courts.

543 *bb*. The judge of every county court having Admiralty jurisdiction shall hear and determine Admiralty causes at the usual courts held within his jurisdiction, or at special courts

* County Courts Admiralty Jurisdiction Act, 1869, 32 & 33 Vict. c. 51. s. 5.

Admiralty Court.

to be held by him, and which he is hereby required to hold as soon as may be after he shall have had notice of an Admiralty cause having arisen within the jurisdiction of his court. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 13.)

Appointment of assessors in county court.

543 *cc.* The registrar of each county court having Admiralty jurisdiction shall from time to time frame a list, to be approved by the judge of the High Court of Admiralty before whom the same shall be laid by the county court judge, and without whose approval it shall have no validity, of assessors, of persons of nautical skill and experience residing or having places of business within the district of the county court, to act as assessors in that court, and shall cause the list to be published in the London Gazette.* (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 14.)

Attendance of assessors.

543 *dd.* Every person named in the list of assessors so framed and approved shall attend the county court under such circumstances, and in such rotation, and subject to such regulations, and shall receive such fees for his attendance, as general orders shall direct, and for every wilful non-attendance shall be liable, at the discretion of the court, to a penalty not exceeding five pounds. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 15.)

Removal of assessors.

543 *ee.* Every assessor named in such list shall hold his office until a new list of assessors shall have been framed and approved as aforesaid, or until he shall resign his appointment. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 16.)

Power to registrars to administer oaths and take evidence.

543 *ff.* The registrar of a county court shall have power to administer oaths in relation to any Admiralty cause in a county court; and any person who shall wilfully depose or affirm falsely before the registrar in any Admiralty cause shall be deemed to be guilty of perjury, and shall be liable to all the pains and penalties attaching to wilful and corrupt perjury. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 19.)

Evidence before registrar receivable in Admiralty Court.

543 *gg.* Evidence taken in any Admiralty cause before the registrar of a county court, as the judge of a county court or general orders shall direct, shall be received as evidence in any other county court, saving all just exceptions; and the registrar of any county court shall, for the purpose of the examination of any witnesses within the district of that court, have all and the like powers and authorities of an examiner of the High Court of Admiralty of England, and evidence taken by him in that capacity shall be received as

* Mercantile assessors may be appointed under the County Courts Admiralty Jurisdiction Act, 1869, (32 & 33 Vict. c. 51. s. 5.)

evidence in the High Court of Admiralty of England, saving all just exceptions. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 20.)

Admiralty Court.

543 *hh.* Proceedings in an Admiralty cause shall be commenced—

As to proceedings in county court for commencement of cause.

(1.) In the county court having Admiralty jurisdiction within the district of which the vessel or property to which the cause relates is at the commencement of the proceedings:

(2.) If the foregoing rule be not applicable, then in the county court having Admiralty jurisdiction in the district of which the owner of the vessel or property to which the cause relates, or his agent in England, resides, or if such owner or agent does not reside within any such district, then in the county court having Admiralty jurisdiction the district whereof is nearest to the place where such owner or agent resides:

(3.) If for any reason the last foregoing rule is not applicable or cannot be acted on, then in such county court having Admiralty jurisdiction as general orders direct:

(4.) In any case in the county court or one of the county courts having Admiralty jurisdiction in which the parties by a memorandum, signed by them or by their attorneys or agents, agree shall have jurisdiction in the cause. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 21.)

Limitation of arrest.

543 *ii.* In an Admiralty cause in a county court if evidence be given to the satisfaction of the judge, or in his absence the registrar of the court, that it is probable that the vessel or property to which the cause relates will be removed out of the jurisdiction of the court before the plaintiff's claim is satisfied, it shall be lawful for the said judge, or in his absence for the registrar, to issue a warrant for the arrest and detention of the said vessel or property, unless or until bail to the amount of the claim made in such cause, and to the reasonable costs of the plaintiff in such cause, be entered into and perfected, according to general orders, by or on behalf of the owner of the vessel or property or his agent, or other the defendant in such cause; and, except as in this section expressly provided, there shall be no arrest or detention of a vessel or property in an Admiralty cause in a county court otherwise than in execution. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 22.)

Power to issue process.

543 *jj.* For the execution of any decree or order of a county court in an Admiralty cause the court may order, and the registrar on such order may seal and issue, and any officer of any county court may execute, process according to general orders; provided that where under such process

Admiralty Court.

a vessel or property would or might be sold, then, if the owner of the vessel or property desires that the sale should be conducted in the High Court of Admiralty instead of in the county court, he shall be entitled, on security for costs being first given, and subject and according to such other provisions as general orders direct, to obtain an order of the county court for transfer of the proceedings for sale, with or without (as the judge of the county court thinks fit) the transfer of the subsequent proceedings in the cause to the High Court of Admiralty, which court shall have jurisdiction and all powers and authorities relating thereto accordingly. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 23.)

Registration of decrees and orders.

543 *kk.* Such decrees and orders of county courts in Admiralty causes as general orders shall direct shall be registered with the registrar of county court judgments in London in such manner as general orders shall direct. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 24.)

Concurrent jurisdiction of the court of passage.

543 *ll.* The court of passage of the borough of Liverpool shall, upon an Order in Council being made which shall appoint the county court of Lancashire holden at Liverpool to have Admiralty jurisdiction, have the like jurisdiction, powers, and authorities as by that order are conferred on the said county court; but nothing herein shall be deemed to enlarge the area over which the jurisdiction of the court of passage extends, or to alter the rules and regulations for holding the said court, or to take away or restrict any jurisdiction, power, or authority already vested in that court; and fees received in that court under this Act shall be dealt with as fees received in that court under its ordinary jurisdiction. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 25.)

Appeal to Court of Admiralty.

543 *mm.* An appeal may be made to the High Court of Admiralty of England from a final decree or order of a county court in an Admiralty cause, and, by permission of the judge of the county court, from any interlocutory decree or order therein, on security for costs being first given, and subject to such other provisions as general orders shall direct. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 26.)

Time for appeal.

543 *nn.* No appeal shall be allowed unless the instrument of appeal is lodged in the registry of the High Court of Admiralty within ten days from the date of the decree or order appealed from, but the judge of the High Court of Admiralty of England may, on sufficient cause being shown to his satisfaction for such omission, allow an appeal to be prosecuted, notwithstanding that the instrument of appeal has not been lodged within that time. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 27.)

Admiralty Court.

543 *oo.* No appeal shall be allowed if, before the decree or order is made, the parties shall have agreed by a memorandum signed by them, or by their attorneys or agents, that the decree or order shall be final; and any such agreement need not be stamped, except in respect of any fee imposed by general orders. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 28.)

Agreement not to appeal.

543 *pp.* There shall be no appeal from a decree or order of the High Court of Admiralty of England made on appeal from a county court, except by express permission of the judge of the High Court of Admiralty. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 29.)

As to appeals to the Queen in Council.

543 *qq.* On an appeal under this Act, when the appellant is unsuccessful, he shall pay the costs of the appeal, unless the appellate court shall otherwise direct. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 30.)

Costs of appeal.

543 *rr.* No appeal shall be allowed unless the amount decreed or ordered to be due exceeds the sum of fifty pounds. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 31.)

No appeal unless amount exceeds 50*l.*

543 *ss.* On an appeal under this Act the judge of the High Court of Admiralty, if it appears to him expedient that any sale decreed or ordered to be made of the vessel or property to which the cause relates should be conducted in the High Court of Admiralty instead of in the county court from which the appeal is brought, may direct the transfer of the proceedings for sale, with or without the transfer of the subsequent proceeding in the cause, to the High Court of Admiralty, which court shall have jurisdiction, and all powers and authorities relating thereto accordingly. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 32.)

Conduct of sale, &c. in Court of Admiralty.

543 *tt.* In all cases which shall arise within the jurisdiction of the Cinque Ports as defined by the Act first and second George the Fourth, chapter seventy-six, section eighteen, causes may be transferred by the county court and appeals made to the Court of Admiralty of the Cinque Ports in lieu of the High Court of Admiralty; and in the case of appeals the instrument of appeal shall be lodged in the registry of the Cinque Ports, and the same discretion vested in the judge official and commissary of the said Cinque Ports Court as is by this Act vested in the judge of the High Court of Admiralty. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 33.)

In certain cases causes may be transferred by county court, and appeals made to Court of Admiralty of the Cinque Ports.

543 *uu.* This Act shall be read as one Act with so much of the County Courts Act, 1846, and the Acts amending or extending the same, as is now in force. (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 34.)

County Court Acts applied to this.

Admiralty Court.

Practice, &c. to be regulated by general orders.

543 *vv.* General orders shall be from time to time made under this Act for the purposes in this Act directed, and for regulating the practise and procedure of the Admiralty jurisdiction of the county courts, the forms of processes and proceedings therein or issuing therefrom, and the days and places of sittings for Admiralty causes, the duties of the judges and officers thereof, and the fees to be taken therein.* (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 35.)

Authority for making general orders.

543 *ww.* General orders under this Act shall be made by the Lord Chancellor, with the advice and assistance of the judge of the High Court of Admiralty of England, and, as far as they relate to fees or to the receipt and expenditure of and accounting for money, with the approval of the Commissioners of Her Majesty's Treasury.† (County Courts Admiralty Jurisdiction Act, 1868, 31 & 32 Vict. c. 71. s. 36.)

Admiralty Jurisdiction (Colonies).

10 & 11 W. 3. c. 7.

46 G. 3. c. 54.

Admiralty Jurisdiction (Colonies).

543 *xx.* Whereas by an Act passed in the eleventh year of the reign of King William the Third, intituled, "An Act for the more effectual suppression of piracy," it is enacted that all piracies, felonies, and robberies committed on the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, may be examined, inquired of, tried, heard and determined, and adjudged, in any place at sea or upon the land in any of His Majesty's islands, plantations, colonies, dominions, forts, or factories, to be appointed for that purpose by the King's commission, in the manner therein directed, and according to the civil law and the method and rules of the Admiralty: and whereas, by an Act passed in the forty-sixth year of the reign of King George the Third, intituled "An Act for the speedy trial of offences committed in distant parts upon the sea," it is enacted that all treasons, piracies, felonies, robberies, murders, conspiracies, and other offences of what nature or kind soever, committed upon the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, may be inquired of, tried, heard, determined, and adjudged according to the common course of the laws of this realm used for offences committed upon the land within this realm, and not otherwise, in any of His Majesty's islands, plantations, colonies, dominions, forts, or factories under and by virtue of the King's commission or commissions under the Great Seal of Great Britain, to be directed to commissioners in the manner and with the powers and authorities

* The assessor of the Court of Passage at Liverpool may make general rules and orders for regulating the practice of that court. (32 & 33 Vict. c. 51. s. 6.)

† Jurisdiction under this Act and the amending Act of 1869 may be exercised by proceedings either in rem or in personam. (32 & 33 Vict. c. 51. s. 3.)

Admiralty Jurisdiction (Colonies).

therein provided: And whereas it is expedient to make further and better provision for the apprehension, custody, and trial in Her Majesty's islands, plantations, colonies, dominions, forts, and factories of persons charged with the commission of such offences on the sea, or in any such haven, river, creek, or place as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that if any person within any colony shall be charged with the commission of any treason, piracy, felony, robbery, murder, conspiracy, or other offence, of what nature or kind soever, committed upon the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, or if any person charged with the commission of any such offence upon the sea, or in any such haven, river, creek, or place shall be brought for trial to any colony, then and in every such case all magistrates, justices of the peace, public prosecutors, juries, judges, courts, public officers, and other persons in such colony shall have and exercise the same jurisdiction and authorities for inquiring of, trying, hearing, determining, and adjudging such offences, and they are hereby respectively authorised, empowered, and required to institute and carry on all such proceedings for the bringing of such person so charged as aforesaid to trial, and for and auxiliary to and consequent upon the trial of any such person for any such offence wherewith he may be charged as aforesaid, as by the law of such colony would and ought to have been had and exercised or instituted and carried on them respectively if such offence had been committed, and such person had been charged with having committed the same, upon any waters situate within the limits of any such colony, and within the limits of the local jurisdiction of the courts of criminal justice of such colony. (Admiralty Jurisdiction in the Colonies Act, 12 & 13 Vict. c. 96. s. 1.)

All persons charged in any colony with offences committed on the sea, may be dealt with in the same manner as if the offences had been committed on waters within the local jurisdiction of the courts of the colony.

543 *yy*. Provided always, and be it enacted, that if any person shall be convicted before any such court of any such offence, such person so convicted shall be subject and liable to and shall suffer all such and the same pains, penalties, and forfeitures as by any law or laws now in force persons convicted of the same respectively would be subject and liable to in case such offence had been committed, and were inquired of, tried, heard, determined, and adjudged in England, any law, statute, or usage to the contrary notwithstanding. (Admiralty Jurisdiction in the Colonies Act, 12 & 13 Vict. c. 96. s. 2.)

Persons convicted of such offences shall suffer the like punishments as on conviction of like offences in England.

543 *zz*. And be it enacted, that where any person shall die in any colony of any stroke, poisoning, or hurt, such person

Provision for the trial of murder and

Admiralty Jurisdiction (Colonies).

manslaughter, where the death only happens in the colony or upon the sea.

having been feloniously stricken, poisoned, or hurt upon the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, or at any place out of such colony, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before the fact to murder, or after the fact to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in such colony in the same manner in all respects as if such offence had been wholly committed in that colony; and that if any person in any colony shall be charged with any such offence as aforesaid in respect of the death of any person who having been feloniously stricken, poisoned, or otherwise hurt, shall have died of such stroke, poisoning, or hurt upon the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, such offence shall be held for the purpose of this Act to have been wholly committed upon the sea. (Admiralty Jurisdiction in the Colonies Act, 12 & 13 Vict. c. 96. s. 3.)

Jurisdiction of the supreme courts of New South Wales and Van Diemen's Land preserved.
9 G. 4. c. 83.

543 *aaa.* Provided also, and be it enacted, that nothing in this Act contained shall in any way affect or abridge the jurisdiction of the supreme courts of New South Wales and Van Diemen's Land, as established by an Act passed in the ninth year of the reign of King George the Fourth, intituled "An Act to provide for the Administration of Justice in New "South Wales and Van Diemen's Land, and for the more "effectual government thereof, and for other purposes relating "thereto." (Admiralty Jurisdiction in the Colonies Act, 12 & 13 Vict. c. 96. s. 4.)

Provision for persons entitled to be tried by the supreme court of a presidency.

543 *bbb.* Provided always, that where any person within any place in India is charged with the commission of any offence in respect of which jurisdiction is given by the said Act,* or where any person charged with the commission of any such offence is brought for trial under the said Act to any place in India, if at any time before his trial he make it appear to the court exercising criminal jurisdiction in the place where he is so charged or brought for trial, that in case the offence charged had been committed in such place he could have been tried only in the supreme court of one of the three presidencies in India, and claim to be tried by such a supreme court accordingly, the said court exercising criminal jurisdiction as aforesaid shall certify the fact and claim to the governor of such place or chief local authority thereof, and such governor or chief local authority thereupon shall order and cause the person charged to be sent in custody to such one of the presidencies as such governor

* *i.e.*, 12 & 13 Vict. c. 96.

shall think fit for trial before the supreme court of such presidency, and the said supreme court and all public officers and other persons in the presidency shall have the same jurisdiction and authorities, and proceed in the same manner in relation to the person charged with such offence, as if the same had been committed or originally charged to have been committed within the limits of the ordinary jurisdiction of such supreme court. (Admiralty Jurisdiction (India) Act, 23 & 24 Vict. c. 88. s. 2.)

Admiralty Jurisdiction (Colonies).

543 *ccc.* When, by virtue of any Act of Parliament now or hereafter to be passed, a person is tried in a court of any colony for any crime or offence committed upon the high seas or elsewhere out of the territorial limits of such colony and of the local jurisdiction of such court, or if committed within such local jurisdiction made punishable by that Act, such person shall, upon conviction, be liable to such punishment as might have been inflicted upon him if the crime or offence had been committed within the limits of such colony and of the local jurisdiction of the court, and to no other, anything in any Act to the contrary notwithstanding: Provided always, that if the crime or offence is a crime or offence not punishable by the law of the colony in which the trial takes place, the person shall, on conviction, be liable to such punishment (other than capital punishment) as shall seem to the court most nearly to correspond to the punishment to which such person would have been liable in case such crime or offence had been tried in England. (Courts (Colonial) Jurisdiction Act, 1874, 37 & 38 Vict. c. 27. s. 3.)

At trials in any colonial courts by virtue of Imperial Acts, courts empowered to pass sentences as if crimes had been committed in the colony.

PART XI.

MISCELLANEOUS.

Miscellaneous.

Contracts may be made with natives in India, under certain conditions binding them to go to Australia, and thence to serve in other ships to the United Kingdom.

544. It shall be lawful for any master or owner of a ship, or his agent, to enter into contracts with Lascars or natives of the territories of the East India Company, binding them to proceed to any port or ports in the Australian colonies either as seamen or as passengers, and there to engage themselves as seamen in any ship which may happen to be there and to be bound to the United Kingdom or to any other part of Her Majesty's dominions; provided that every such contract shall be in such form, and shall contain such provisions, and shall be executed in such manner, and under such conditions for securing the return of such Lascars or natives to their own country, and for other purposes, as the Governor General of India in Council, or the governors of the respective presidencies in which the contract is made, in council, may direct; and if any Lascar or other person who has bound himself by any such contract is, on arriving in any of the said colonies, required to enter into an agreement to serve as a seaman in any ship bound for the United Kingdom or to any other part of Her Majesty's dominions, and if it is certified by some officer appointed for that purpose by the governor of the said colony that such agreement is a proper agreement in all respects for such Lascar or other person to enter into, and is in accordance with the original contract, and that the ship to which such agreement relates is a proper ship for such Lascar or other person to serve in, and is properly supplied with provisions, and that there is not in the opinion of such officer any objection to the full performance of the said contract, such Lascar or other person shall be bound to enter into the said agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship; and if he refuses to enter into such agreement he shall, notwithstanding such refusal, be liable to the same consequences, and be dealt with in all respects in the same manner, as if he had voluntarily entered into the same; and for every Lascar or other person in respect of whom such certificate is applied for the person applying for the same shall pay to such officer as aforesaid such fee as the governor of the colony may appoint.

Contracts may be made with natives in India, under

544 *a.* It shall be lawful for any master or owner of a ship or his agent to enter into agreements with Lascars or natives of the territories of the East India Company, binding

certain conditions binding them to go to the United Kingdom, and then to serve in other ships back to India or elsewhere.

them to proceed to any port or ports in the United Kingdom, either as seamen or as passengers, and there to enter into a further agreement to serve as seamen in any ship which may happen to be there, and to be bound to any port in the territories of the East India Company; provided, that every such original agreement shall be made in such form, and shall contain such provisions, and shall be executed in such manner, and under such conditions for securing the return of such Lascars or natives to their own country, and for other purposes, as the Governor General of India in Council, or the governors of the respective presidencies in which the original agreement is made, in council, may direct; and if any Lascar or other person who has bound himself by any such original agreement is, on arriving in the United Kingdom, required to enter into a further agreement to serve as a seaman in any ship bound to any port in the territories of the East India Company, and if it is certified by some officer appointed for that purpose by the East India Company that such further agreement is a proper agreement in all respects for such Lascar or other person to enter into, and is in accordance with the original agreement, and that the ship to which such further agreement relates is in all respects a proper ship for such Lascar or other person to serve in, and that there is not, in the opinion of such officer, any objection to the full performance of the said original agreement, such Lascar or other person shall be deemed to be engaged under such further agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship; and for every Lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as aforesaid such fee as the East India Company may appoint, not exceeding ten shillings. (Merchant Shipping Act Amendment Act, 1855, 28 & 29 Vict. c. 91. s. 23.)

Penalty on masters of ships leaving certain seamen in distress in this country.

544 *b.* If a native of any country in Asia, Africa, or of any of the islands in the South Sea or the Pacific Ocean, or of any other country not having any consul in the United Kingdom, is brought to the United Kingdom in any ship, British or foreign, as a seaman, and is left in the United Kingdom, and within six months of his being so left becomes chargeable upon the poor rate, or commits any act by reason of the committal whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the said ship, or in case of a foreign ship, the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall incur a penalty not exceeding thirty pounds, unless he can show that the person so left as aforesaid quitted the ship without the consent of

Miscellaneous.

the master, or that due means have been afforded by such master, owner, or consignee, or one of them, to such person of returning to his native country, or to the country in which he was shipped; and the court inflicting such penalty may order the whole or any part of such penalty to be applied towards the relief or sending home of such person. (Merchant Shipping Repeal Act, 1854, 17 & 18 Vict. c. 120. s. 16.)

Relief of destitute Lascars.

544 *c.* It shall be the duty of the East India Company to take charge of and send home or otherwise provide for all persons, being Lascars or other natives of the territories under the government of the said company, who are found destitute in the United Kingdom; and if any such person is relieved and maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the post or otherwise, give notice thereof in writing to the secretary of the court of directors of the East India Company, specifying, so far as is practicable, the following particulars; viz.,—

1. The name of the person so relieved or maintained:
2. The presidency or district or part of the territories of the East India Company of which he professes to be a native:
3. The name of the ship in which he was brought to the United Kingdom:
4. The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived, when he was so brought to the United Kingdom, and the time of such arrival:

And the said East India Company shall repay to the said overseers, guardians, or other persons, out of the revenues of the said Company, all moneys duly expended by them in relieving or maintaining such destitute person, after the time at which such notice aforesaid is sent or otherwise given. (Merchant Shipping Act Amendment Act, 1855, 18 & 19 Vict. c. 11. s. 22.)

Governor of Fort William to make rules, &c. with respect to masters, &c. of vessels trading under this Act.

544 *d.* And be it further enacted, that it shall and may be lawful to and for the Governor General of Fort William in Bengal in Council, and he is hereby required, as soon as may be, to make, ordain, and publish, and from time to time, as occasion may require, to repeal and alter, and newly to make, ordain, and publish, such rules and regulations to be observed by masters, officers, and owners of ships and vessels trading under the authority of this Act, the crews of which ships or vessels shall be wholly or in part composed of Asiatic sailors, lascars, or natives of any of the territories, countries, islands, or places within the limits of the charter of the said United Company, for the due supply of provisions, clothing, and other necessary accommodation of such Asiatic sailors,

lascars, and natives aforesaid whilst they shall be on board such ships or vessels, and whilst absent from the countries or places to which they shall respectively belong, and until they shall be carried back to the places to which they may belong or from whence they may have been brought, and for the conveyance back of such Asiatic sailors, lascars, or natives as aforesaid, within a reasonable time to be fixed by such rules or regulations. (4 Geo. 4. c. 80. s. 25.)

Miscellaneous.

544 *e.* And be it further enacted, that all such rules and regulations, until they shall be repealed or altered, shall be observed and performed according to the true intent and meaning thereof, in like manner as if they had been herein inserted and had formed part of this Act; and a copy of all and every such rules and regulations, signed and authenticated as such by the secretary for the time being of the Government of Bengal, or by the secretary for the time being of the said United Company, shall be deemed and received and taken in and by all courts, justices, and other persons, as full, sufficient, and conclusive evidence of such rules and regulations. (4 Geo. 4. c. 80. s. 26.)

Such rules and regulations to be observed in like manner as if they had formed part of this Act.

544 *f.* And be it further enacted, that the master or other person having the command of every ship or vessel trading under the authority of this Act, which from and after the passing of this Act shall arrive at any port in the United Kingdom of Great Britain or Ireland, and which shall have on board, or which during any part of her voyage shall have had on board, either as part of her crew, or in any other character or for any other reason, any Asiatic sailor, lascar, or native of any of the territories, countries, islands, or places within the limits of the charter of the said United Company, before such ship or vessel shall be admitted to entry shall make out and exhibit to the principal officers of the Customs, or other person thereunto lawfully authorised, a true and perfect list and description of every such Asiatic sailor, lascar, or native aforesaid which shall then be, or who during any part of her voyage shall have been on board such ship or vessel, with a true account and statement what shall have become of every such Asiatic sailor, lascar, and native aforesaid who may have been and shall not then be on board. (4 Geo. 4. c. 80. s. 27.)

Masters of vessels to make out list of every lascar, &c. on board, before such ship shall be admitted to entry.

544 *g.* And be it further enacted, that for every breach or non-observance of any rule or regulation to be made, in pursuance of this Act, in relation to Asiatic sailors, lascars, or natives aforesaid, which shall have happened or taken place, and for every omission to make out and exhibit such list, description, account, or statement of and respecting all such Asiatic sailors, lascars, or natives aforesaid, as herein is required, the master or commander and all and every the

Penalty for breach of regulations relative to lascars, &c.

Miscellaneous.

owners and owner of the ship or vessel on board which any such Asiatic sailor, lascar, or native aforesaid shall be or shall have been, shall forfeit the sum of ten pounds for every Asiatic sailor, lascar, or native aforesaid in respect of whom such breach, non-observance, omission, or defect shall have happened or taken place, to be recovered against the master, commander, and owners jointly or severally, by bill, plaint, information, or action in any of His Majesty's courts of record in the United Kingdom of Great Britain and Ireland, or in the East Indies or elsewhere, to be commenced in the county or presidency or place where any such offender may happen to be, or by conviction in a summary way before two justices of the peace, in the United Kingdom or in the East Indies, of the county or presidency where any such offender may happen to be; and of which sum and sums so to be forfeited one third part thereof shall go, belong, and be paid to the person or persons who shall inform or sue for the same, and the other two third parts thereof shall be paid to such person or persons as the court or justices before whom the same shall be recovered shall award, to be applied in payment or reimbursement of any expense which may have been incurred by or for the use of the Asiatic sailor, lascar, or native aforesaid, or the respective Asiatic sailors, lascars, or natives aforesaid, in respect of whom such forfeiture or forfeitures shall have been recovered, or in such other manner for his or their maintenance, return home, or benefit, as the court or justices before whom the same shall be recovered shall direct. (4 Geo. 4. c. 80. s. 28.)

Recovery of penalties.

544 *h.* And be it further enacted, that all sums of money of which any person shall be so convicted as aforesaid shall and may be levied by distress and sale of the goods and chattels of the offender; and that for want of sufficient distress every such offender may be committed to prison in the common gaol or house of correction for the space of three calendar months. (4 Geo. 4. c. 80. s. 30.)

Lascars, &c. convicted of vagrancy to be shipped on board of vessels bound to the place from whence brought.

544 *i.* And whereas it may happen that Asiatic sailors, lascars, and natives aforesaid may refuse to accept the maintenance to be provided for them under the rules and regulations before referred to, or to return home in the ships or vessels which may be engaged for that purpose; be it therefore enacted, that if any such Asiatic sailor, lascar, or native aforesaid shall at any time be convicted of an act of vagrancy under any of the laws in force in the United Kingdom respecting vagrants, it shall and may be lawful to and for the justice or justices or magistrates before whom such conviction shall take place to order and direct that he shall be shipped on board any ship or vessel bound to the place, or as near as may be to the place to which he shall belong or from which he shall have been brought, and the commander of

which shall be willing to take charge of him in order to his being returned thereto, at the expense of the person or persons liable under any rule or regulation to be made as before mentioned, or of any other person being otherwise willing to defray the same; and it shall and may be lawful for the commander of any such ship or vessel having taken charge of such vagrant, and he is hereby required, to keep and detain him on board his ship for the voyage for which he shall be shipped. (4 Geo. 4. c. 80. s. 31.)

544 *j.* Provided also, and be it further enacted, that no conviction, order, or proceeding to be made or had by or before any justices of the peace or other magistrate, by virtue of this Act, shall be quashed or vacated for want of form; and that the order of such justices or other magistrates shall be final, and that no proceedings of any such justices or other magistrates in pursuance of this Act shall be removable by certiorari or otherwise. (4 Geo. 4. c. 80. s. 32.)

Proceedings not to be quashed for want of form.

544 *k.* And be it further enacted, that if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, then and in every such case such action or suit shall be commenced or prosecuted within three months after the fact committed, and not afterwards; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead the general issue, and at the trial thereof give this Act and the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than as afore-mentioned, then the jury shall find for the defendant or defendants; and if the plaintiff shall become nonsuit, or discontinue his or her action after the defendant shall have appeared, or have a verdict against him or her, or if, upon demurrer, judgment shall be given against the plaintiff, the defendant shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law. (4 Geo. 4. c. 80. s. 33.)

Actions to be commenced within three months.

544 *l.* And be it further enacted, that if any Asiatic sailor, lascar, or native of any of the territories, countries, islands, or places within the limits of the charter of the said United Company, having been brought to the United Kingdom on board any ship or vessel, not being a ship of war in the service of His Majesty, shall from and after the passing of this Act be found within the United Kingdom in distress for want of food, clothing, or other necessaries, it shall be

Company to supply all necessaries for distressed lascars, &c. brought to this country, and may recover expense from owners.

Miscellaneous.

lawful for the said United Company to supply necessary and reasonable relief to such persons, and to maintain them until they shall be sent on board some ship bound for some place within the limits aforesaid, and also to pay, defray, and advance the money necessary to procure such persons proper and sufficient passage to their homes or places from which they were brought, and all such sums as the said Company shall pay for or on account of such relief or maintenance, or passage home, shall constitute and become a joint and several debt due to the said Company from the commander, owner or owners of such ship on board whereof such person or persons shall have been brought into the said United Kingdom, and shall be recoverable as so much money paid to and for the use of such owner or owners in any of the courts of the said United Kingdom, or in the East Indies if the owner shall reside there, in which actions or suits for the recovery of debts may be sued or prosecuted; and in all such actions and suits where the said Company shall recover they shall be entitled to receive full costs of suit. (4 Geo. 4. c 80. s. 34.)

Act not to affect Passenger Acts, 15 & 16 Vict c 44. 16 & 17 Vict c. 84.

545. Nothing in this Act contained shall be taken to repeal or alter any of the provisions of the "Passengers Act, 1852,"* or of the Act of the seventeenth year of Her present Majesty, chapter eighty-four. †

Corporations, &c may grant site for sailors homes

546. The municipal corporation of any borough, being a seaport in the United Kingdom, and any body corporate, association, or trustees in any such seaport, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of Her Majesty's Secretary of State for the Home Department, appropriate any lands vested in them or in trustees for them as a site or sites for a sailors home or sailors homes, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they think fit

Power of colonial legislatures to alter provisions of Act

547. The legislative authority of any British possession shall have power, by any Act or ordinance, confirmed by Her Majesty in Council, to repeal, wholly or in part, any provisions of this Act relating to ships registered in such possession, but no such Act or ordinance shall take effect until such approval has been proclaimed in such possession or until such time thereafter as may be fixed by such Act or ordinance for the purpose.

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* *See* s 329*g* and following ss.

† *See* ss. 329*t*, 329*u*

Miscellaneous

Colonial laws inconsistent with Imperial laws invalid

547 *a.* All laws, bye-laws, usages, or customs at this time or which hereafter shall be in practice in any of the British possessions in America which are in anywise repugnant to this Act, or to any Act relating to the Customs, or to trade and navigation, so far as the same shall relate to the said possessions, are and shall be null and void to all intents and purposes whatsoever. (The Customs Consolidation Act, 1853, 16 & 17 Vict c. 107. s. 190)

Powers of Commissioners of Customs as to colonies extended to governors, &c.

547 *b.* The powers and authorities now vested in the Commissioners of Customs with regard to any act or thing relating to the customs or to trade or navigation in any of the British possessions abroad shall, from and after the passing of this Act, be vested in the governor, lieutenant-governor, or other person administering the government in any such possession, and every act required by any law to be done by or with any particular officer or at any particular place, if done by or with any such officer, or at any place appointed or nominated by such governor, lieutenant-governor, or other person so administering such government, shall be deemed to have been done by or with such particular officer or at such particular place, as the case may be, and as required by law; and all commissions, deputations, and appointments granted to any officers of customs in force at the commencement of this Act shall have the same force and effect to all intents and purposes as if the same had been granted or made in the first instance by such governor, lieutenant-governor, or person so administering the government of any such possession, and all bonds or other securities which shall have been given by or for any such officers and their respective securities for good conduct or otherwise shall remain in force, and shall and may be enforced and put in suit at the instance of or by directions of any such governor, lieutenant-governor, or person administering the government of any such possession (The Supplemental Customs Consolidation Act, 1855, 18 & 19 Vict c. 96. s. 16.)

Regulation of coasting trade by colonial legislature

547 *c.* After the commencement of this Act the legislature of a British possession, by any Act or ordinance, from time to time, may regulate the coasting trade of that British possession, subject in every case to the following conditions:

(1.) The Act or ordinance shall contain a suspending clause providing that such Act or ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed:

(2.) The Act or ordinance shall treat all British ships (including the ships of any British possession) in exactly the same manner as ships of the British possession in which it is made:

(3.) Where by treaty made before the passing of this Act Her Majesty has agreed to grant to any ships of any

Miscellaneous.

foreign state any rights or privileges in respect of the coasting trade of any British possession, such rights and privileges shall be enjoyed by such ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or ordinance to the contrary notwithstanding (Merchant Shipping (Colonial) Act, 1869, 32 Vict c. 11. s. 4.)

Coasting trade of India to be regulated by Governor General in Council

547 *d.* And with regard to the coasting trade of India, it shall be lawful for the Governor General of India in Council to make any regulations authorising or permitting the conveyance of goods or passengers from one part of the possessions of the East India Company to another part thereof in other than British ships, subject to such restrictions or regulations as he may think necessary; and such regulations shall be of equal force and effect with any laws and regulations which the said Governor General in Council is now or may hereafter be authorised to make, and it shall be subject to disallowance and repeal, in like manner as any other laws or regulations made by the said Governor General in Council, under the laws from time to time in force for the government of the British territories in India, and shall be transmitted to England, and be laid before both Houses of Parliament, in the same manner as any other laws or regulations which the Governor General in Council is now or may hereafter be empowered to make. (Customs Consolidation Act, 1853, 16 & 17 Vict. c. 107. s. 329.)

Orders to be published in "Gazette," and to be laid before Parliament.

547 *e.* Every such Order in Council as aforesaid shall, within fourteen days after the issuing thereof, be twice published in the London Gazette, and a copy thereof shall be laid before both Houses of Parliament within six weeks after the issuing the same if Parliament be then sitting, and if not, within six weeks after the commencement of the then next session of Parliament. (Customs Consolidation Act, 1853, 16 & 17 Vict. c. 107. s. 330.)

Orders may be revoked

547 *f.* It shall be lawful for Her Majesty from time to time to revoke any Order or Orders in Council made under the authority of this Act. (Customs Consolidation Act, 1853, 16 & 17 Vict. c. 107. s. 331.)

Foreign ships in the coasting trade to be subject to the same rules as British ships.

547 *g.* Every foreign ship employed in carrying goods or passengers coastwise from one part of the United Kingdom to another, or from the islands of Guernsey, Jersey, Alderney, Sark, or Man, to the United Kingdom, or from the United Kingdom to any of the said islands, or from any of the said islands to any other of them, or from any part of any one of the said islands to any other part of the same, shall be subject, as to stores for the use of the crew, and in all other respects,

to the same laws, rules, and regulations to which British ships when so employed are now subject. (The Supplemental Customs Consolidation Act, 1855, 18 & 19 Vict. c. 96. s. 13.)

547 *h.* No foreign ship employed in the coasting trade as aforesaid, nor any goods carried in any such ship, shall, during the time such ship is so employed, be subject to any higher or other rate of dock, pier, harbour, light, pilotage, tonnage, or other dues, duties, tolls, rates, or other charges whatsoever, or to any other rules as to the employment of pilots, or any other rules or restrictions whatsoever, than British ships employed in like manner, or goods carried in such ships, any law, charter, special privilege, or grant to the contrary notwithstanding; nor shall any body corporate or person having or claiming any right or title to any such higher or other rates, dues, duties, tolls, or other charges as aforesaid be entitled to any compensation in respect thereof under any law or statute relating thereto, or otherwise howsoever. (The Supplemental Customs Consolidation Act, 1855, 18 & 19 Vict c. 96. s. 13.)

Foreign ships employed in the coasting trade not to be subject to higher rates than British ships.

548. All expenses incurred by the Commissioners of Customs in the conduct of suits or prosecutions, or otherwise in carrying into effect the provisions of this Act, shall be considered as expenses having reference to the revenue of customs, and shall be paid out of the consolidated customs; but the Board of Trade may, with the consent of the Treasury, repay out of the Mercantile Marine Fund all or any part of such of the expenses so paid as are by the provisions of this Act chargeable on the said fund.

Expenses incurred by Commissioners of Customs to be paid out of the consolidated customs.

548 *a.* No dues, tolls, rates, or charges, of what nature soever, levied or leviable, or hereafter to be levied or leviable, on any ships, or on any goods carried in any ships, in any port of Great Britain or Ireland for any purpose whatever, shall be sold, mortgaged, or charged in any manner or for any purpose without the consent of the Board of Trade first obtained, such consent to be signified by writing under the hand of one of the secretaries or assistant secretaries to such Board; and any sale, mortgage, or charge of any such dues, tolls, rates, or charges made after the passing of this Act without such consent shall be absolutely void, except in the following cases; that is to say, in the case of any sale, mortgage, or charge of any dues, tolls, rates, or charges levied for the use of any dock or other undertaking intended solely for the benefit of shipping, where the moneys raised by the sale, mortgage, or charge are to be applied exclusively for the purposes of the undertaking for the use of which such dues, rates, tolls, or charges are levied or leviable in the case of any mortgage or charge made under the authority of any Act of Parliament for the purpose of raising money to pay the costs

Dues levied on ships not to be sold or charged without consent of the Board of Trade.

of any work constructed or duly contracted for before the passing of this Act; and in the case of any mortgage or charge made or continued under any powers of reborrowing or continuing money on mortgage or bond given by any Act of Parliament for the purposes of any work so constructed or contracted for as aforesaid. (Merchant Shipping Law Amendment Act, 1853, 16 & 17 Vict. c. 131. s. 24.)

Orders in Council.

Orders in Council.

Effect of order in council.

548 *b*. Whenever an order in council has been issued under this Act, applying any provision of this Act or any regulation made by or in pursuance of this Act to the ships of any foreign country, such ships shall in all cases arising in any British court be deemed to be subject to such provision or regulation, and shall for the purpose of such provision or regulation be treated as if they were British ships. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 61.)

Orders in council may be limited as to time, and qualified.

548 *c*. In issuing any order in council under this Act Her Majesty may limit the time during which it is to remain in operation, and may make the same subject to such conditions and qualifications, if any, as may be deemed expedient, and thereupon the operation of the said order shall be limited and modified accordingly. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 62.)

Orders in council may be revoked and altered.

548 *d*. Her Majesty may by order in council from time to time revoke or alter any order previously made under this Act. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 63.)

Orders in council to be published in London Gazette.

548 *e*. Every order in council to be made under this Act shall be published in the London Gazette as soon as may be after the making thereof; and the production of a copy of the London Gazette containing such order shall be received in evidence, and shall be proof that the order therein published has been duly made and issued; and it shall not be necessary to plead such order specially. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 64.)

Bills of Lading.

Rights under bills of lading to vest in consignee or endorsee.

548 *f*. Every consignee of goods named in a bill of lading, and every endorsee of a bill of lading to whom the property in the goods therein mentioned shall pass, upon or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself. (Bills of Lading Act, 1855, 18 & 19 Vict. c. 111. s. 1.)

Bills of Lading.

548 *g.* Nothing herein contained shall prejudice or affect any right of stoppage in transitu, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee, by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement. (Bills of Lading Act, 1855, 18 & 19 Vict. c. 111. s. 2.)

Not to affect right of stoppage in transitu or claims for freight.

548 *h.* Every bill of lading in the hands of a consignee or endorsee for valuable consideration representing goods to have been shipped on board a vessel shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading shall have had actual notice at the time of receiving the same that the goods had not been in fact laden on board: provided, that the master or other person so signing may exonerate himself in respect of such misrepresentation by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder, or some person under whom the holder claims. (Bills of Lading Act, 1855, 18 & 19 Vict. c. 111. s. 3.)

Bill of lading in hands of consignee, &c., conclusive evidence of the shipment as against master, &c.

Proviso.

Delivery of Goods and Lien for Freight.

Delivery of Goods and Lien for Freight.

548 *i.* Where the owner of any goods imported in any ship from foreign parts into the United Kingdom fails to make entry thereof, or having made entry thereof to land the same or take delivery thereof, and to proceed therewith with all convenient speed, by the times severally herein-after mentioned, the shipowner may make entry of and land or unship the said goods at the times, in the manner, and subject to the conditions following; (that is to say,)

Power to shipowner to enter and land goods in default of entry and landing by owner of goods.

(1.) If a time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the time so expressed:

(2.) If no time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or holiday, after the report of the ship:

(3.) If any wharf or warehouse is named in the charter party, bill of lading, or agreement, as the wharf or warehouse where the goods are to be placed, and if they can be conveniently there received, the shipowner in landing them by virtue of this enactment shall cause them to be placed on such wharf or in such warehouse:

4.) In other cases the shipowner in landing goods by virtue of this enactment shall place them in or on some wharf or warehouse on or in which goods of a

Delivery of Goods and Lien for Freight.

like nature are usually placed; such wharf or warehouse being, if the goods are dutiable, a wharf or warehouse duly approved by the Commissioners of Customs for the landing of dutiable goods:

(5.) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed so to do, and his entry shall in such case be preferred to any entry which may have been made by the shipowner:

(6.) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of such landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, such goods shall be assorted at landing, and shall if demanded, be delivered to the owner thereof within twenty-four hours after assortment; and the expense of and consequent on such landing and assortment shall be borne by the shipowner:

(7.) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the shipowner has failed to make such delivery and has also failed at the time of such offer to give the owner of the goods correct information of the time at which such goods can be delivered, then the shipowner shall, before landing or unshipping such goods under the power hereby given to him, give to the owner of the goods or of such wharf or warehouse as last aforesaid twenty-four hours notice in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without such notice, do so at his own risk and expense. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 67.)

If, when goods are landed, the shipowner gives notice for that purpose, the lien for freight is to continue.

548 *j*. If, at the time when any goods are landed from any ship and placed in the custody of any person as a wharf or warehouse owner, the shipowner gives to the wharf or warehouse owner notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount to be mentioned in such notice, the goods so landed shall, in the hands of the wharf or warehouse owner, continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof; and the wharf or warehouse owner receiving such goods shall

retain them until the lien is discharged as herein-after mentioned, and shall, if he fail so to do, make good to the shipowner any loss thereby occasioned to him. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 68.)

Delivery of Goods and Lien for Freight.

548 *k.* Upon the production to the wharf or warehouse owner of a receipt for the amount claimed as due, and delivery to the wharf or warehouse owner of a copy thereof or of a release of freight from the shipowner, the said lien shall be discharged. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 69.)

Lien to be discharged on proof of payment.

548 *l.* The owner of the goods may deposit with the wharf or warehouse owner a sum of money equal in amount to the sum so claimed as aforesaid by the shipowner, and thereupon the lien shall be discharged, but without prejudice to any other remedy which the shipowner may have for the recovery of the freight. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 70.)

Lien to be discharged on deposit with warehouse owner.

548 *m.* If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does not within fifteen days after making it give to the wharf or warehouse owner notice in writing to retain it, stating in such notice the sum, if any, which he admits to be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable, the wharf or warehouse owner may, at the expiration of such fifteen days, pay the sum so deposited over to the shipowner, and shall by such payment be discharged from all liability in respect thereof. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 71.)

Warehouse owner may at the end of 15 days, if no notice is given, pay deposit to shipowner.

548 *n.* If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does within fifteen days after making it give to the wharf or warehouse owner such notice in writing as aforesaid, the wharf or warehouse owner shall immediately apprize the shipowner of such notice, and shall pay or tender to him out of the sum deposited the sum, if any, admitted by such notice to be payable, and shall retain the remainder or balance, or, if no sum is admitted to be payable, the whole of the sum deposited, for thirty days from the date of the said notice; and at the expiration of such thirty days, unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum or otherwise for the settlement of any disputes which may have arisen between them concerning such freight or other charges as aforesaid, and notice in writing of such proceedings has been served on him, the wharf or warehouse owner shall pay the said balance or sum over to the owner of the goods,

Course to be taken if notice to retain is given.

Delivery of Goods and Lien for Freight.

and shall by such payment be discharged from all liability in respect thereof. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 72.)

After 90 days warehouse owner may sell goods by public auction.

548 *o* If the lien is not discharged, and no deposit is made as herein-before mentioned, the wharf or warehouse owner may, and, if required by the shipowner, shall, at the expiration for ninety days from the time when the goods were placed in his custody, or, if the goods are of a perishable nature, at such earlier period as he in his discretion thinks fit, sell by public auction, either for home use or exportation, the said goods or so much thereof as may be necessary to satisfy the charges herein-after mentioned. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 73.)

Notices of sale to be given.

548 *p*. Before making such sale the wharf or warehouse owner shall give notice thereof by advertisement in two newspapers circulating in the neighbourhood, or in one daily newspaper published in London and in one local newspaper, and also, if the address of the owner of the goods has been stated on the manifest of the cargo or on any of the documents which have come into the possession of the wharf or warehouse owner, or is otherwise known to him, give notice of the sale to the owner of the goods by letter sent by the post; but the title of a bonâ fide purchaser of such goods shall not be invalidated by reason of the omission to send notice as herein-before mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 74.)

Moneys arising from sale, how to be applied.

548 *q*. In every case of any such sale as aforesaid the wharf or warehouse owner shall apply the moneys received from the sale as follows, and in the following order:

1. If the goods are sold for home use in payment of any customs or excise duties owing in respect thereof:
2. In payment of the expenses of the sale:
3. In the absence of any agreement between the wharf or warehouse owner and the shipowner concerning the priority of their respective charges, in payment of the rent, rates, and other charges due to the wharf or warehouse owner in respect of the said goods:
4. In payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods:
5. But in case of any agreement between the wharf or warehouse owner and the shipowner concerning the priority of their respective charges, then such charges shall have priority according to the terms of such agreement:

and the surplus, if any, shall be paid to the owner of the goods. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 75.)

Delivery of Goods and Lien for Freight.

548 *r.* Whenever goods are placed in the custody of a wharf or warehouse owner under the authority of this Act, the said wharf or warehouse owner shall be entitled to rent in respect of the same, and shall also have power from time to time, at the expense of the owner of the goods, to do all such reasonable acts as in the judgment of the said wharf or warehouse owner are necessary for the proper custody and preservation of the said goods, and shall have a lien on the said goods for the said rent and expenses. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 76.)

Warehouse owners rent and expenses.

548 *s.* Nothing in this Act contained shall compel any wharf or warehouse owner to take charge of any goods which he would not be liable to take charge of if this Act had not passed; nor shall he be bound to see to the validity of any lien claimed by any shipowner under this Act. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 77.)

Warehouse owners protection.

548 *t.* Whosoever shall steal any goods or merchandise in any vessel, barge, or boat of any description whatsoever in any haven, or in any port of entry or discharge, or upon any navigable river or canal, or in any creek or basin belonging to or communicating with any such haven, port, river, or canal, or shall steal any goods or merchandise from any dock, wharf, or quay adjacent to any such haven, port, river, canal, creek, or basin, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement. (Larceny Act, 1861, 24 & 25 Vict. c. 96. s. 63.)

Stealing from ships, docks, wharves, &c.

548 *u.* *The High Court of Admiralty shall have jurisdiction over any claim by the owner or consignee or assignee of any bill of lading of any goods carried into any port in England or Wales in any ship, for damage done to the goods or any part thereof by the negligence or misconduct of or for any breach of duty or breach of contract on the part of the owner, master, or crew of the ship, unless it is shown to the satisfaction of the court that at the time of the institution of the cause any owner or part owner of the ship is domiciled in England or Wales: Provided always, that if in any such cause the Plaintiff do not recover twenty pounds he shall not be entitled to any costs, charges, or expenses incurred by him therein, unless the judge shall certify that the cause was a fit one to be tried in the said court. (Admiralty Court Act, 1861, 24 Vict. c. 10. s. 6.)

As to claims for damage to cargo imported.

* Similar powers conferred on Irish Court of Admiralty by 30 & 31 Vict. c. 114. s. 37; and see ss. 74 *et seq.* of that Act.

Delivery of Goods and Lien for Freight

Saving powers under local Act.

548 *v.* Nothing in this Act contained shall take away or abridge any powers given by any local Act to any harbour trust, body corporate, or persons whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this Act contained take away or diminish any rights or remedies given to any shipowner or wharf or warehouse owner by any local Act. (Merchant Shipping Act Amendment Act, 1862, 25 & 26 Vict. c. 63. s. 78.)

Repeal and Saving

Repeal and Saving.

Repeal of Acts mentioned in schedule.

548 *w.* There shall be hereby repealed—

The several Acts and parts of Acts set forth in the first schedule hereto to the extent to which such Acts or parts of Acts are therein expressed to be repealed, and all such provisions of any other Acts or of any charters, and all such laws, customs, and rules as are inconsistent with the provisions of the Merchant Shipping Act, 1854:

Provided that such repeal shall not affect—

(1) Any provisions contained in the Act of the seventh year of His late Majesty King William the Fourth, chapter seventy-nine, as to title, application of purchase money, or borrowing money, and having relation to the power of purchasing lighthouses given to the Trinity House by the same Act:

(2.) Any security duly given before this Act comes into operation:

(3.) Anything duly done before this Act comes into operation:

(4.) Any liability accruing before this Act comes into operation:

(5.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into operation:

(6) The institution of any investigation or legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid:

(7) Any appointment, byelaw, regulation, or license duly made or granted under any enactment hereby repealed, and subsisting at the time when this Act comes into operation; and the same shall continue in force, but shall be subject to such provisions of the Merchant Shipping Act, 1854, as are applicable thereto respectively. (Merchant Shipping Repeal Act, 1854, 17 & 18 Vict. c. 120. s. 4.)

INDEX.

A.

Section.

ABROAD, crimes. *See* Crimes abroad.
....., effects of seamen dying, to be remitted to Board of Trade - - 197
....., seamen discharged. Certificates of discharge to be given to, and seamen sent home at owners expense - - - - 205
....., forcing seamen on shore and leaving them, a misdemeanour - - 206
....., no seamen to be discharged, without certificate of some functionary - - - - - - - - - 207
. ....., seamen discharged, for inability, wages to be paid - - 209
....., ..., wages to be paid to, in money - - - - 209*a*
....., ..., wages to be subject to expenses for subsistence and passage - - - - - - - - 210
....., distressed seamen found, to be relieved and sent home at public expense - - - - - - - - 211
....., masters of British ships compelled to bring home distressed seamen found; expense borne by Board of Trade - - - - 212
....., relief of distressed seamen, to be regulated by Board of Trade 212*a*, 213*a*
....., seamen left irregularly, expenses chargeable on ship - - 213
....., ..., Board of Trade may sue for amounts advanced for relief of - - - - - - - - 213
....., entries and certificates of desertion, to be copied and sent home and admissible in evidence - - - - - 249
....., inquiry into cause of death on board ship - - - - 269
....., steps to be taken when salvage services have been rendered by navy ship - - - - - - - 486
....., salvage bond to be given by salved ship to naval salvor to avoid detention - - - - - - - - 486

ABSENCE, without leave within 24 hours before sailing, punishment for - 243

ACCIDENT to steam ships to be reported to Board of Trade - - 326

ACCOMMODATION for seamen. *See* Crew Spaces.

ADJUSTMENT OF COMPASSES - - - - 301

ADMINISTRATION, letters of, not required when wages and effects of deceased seamen are under 50*l*. - - - - - 199

ADMIRALTY, definition of - - - - - 2
... . to repay wages advanced and not earned by seamen volunteering into navy - - - - - - - - 216
....., salvage claims by naval officers not to be determined without consent of - - - - - - - - 485
. ....., power to raise Naval Reserve Volunteers - - - 290*a*
..... to make regulations for payment of Naval Reserve Volunteers - 290*i*
..... to grant pensions to Naval Reserve Volunteers - - - 290*j*
..... laws applicable to Naval Reserve Pensioners while on service - 290*l*
..... to make regulations as to manner of Naval Reserve Volunteers entry into service - - - - - - - - - 290*m*
..... may discharge Naval Reserve Volunteers - - - 290*n*
..... laws extended to Naval Reserve Volunteers whilst on exercise or service - - - - - - - - 290*o*
.. .. may enroll officers of Naval Reserve Volunteers - - - 290*aa*
....., Her Majesty may accept officers of Naval Reserve Volunteers recommended by - - - - - - - - 290*cc*
..... Contracts, Chain, Cables, and Anchors Act of 1874 not to affect - 294*z*

Section.

ADMIRALTY Test for chain, cables, and anchors, tensile strain of Board of Trade tests not to be less than - - - - 294*o*

ADMIRALTY COURT, disputes as to expenses of witnesses called by Board of Trade Inspectors may be referred to, as well as Queen's Bench - 15*a*
..... to have jurisdiction over claims for building, equipping, and repairing, and necessaries supplied to ships - - - - - 43*b*, 43*c*
..... to decide question as to ownership of ships - - - - 43*d*
..... to have same power of British ships as conferred on Court of Chancery by sections 62, 63, 64, and 65 of Merchant Shipping Act, 1854 - 65*a*
..... to have jurisdiction in regard to registered mortgages - - 75*a*
.... to claims for seamen's wages and disbursements by master - - - - - - - - - 189*a*
.. .. or Superior Court, restrictions on proceedings in - 189*c*, 477*b*, 520*c*, 543*x*
.. .., owner may apply for excess of expense in paying substitute for seamen volunteering into Navy to - - - - - - - 217
....., application to, how to be decided - - - - - - 218
..... Account General to Navy to pay sums when ascertained by - 219
....., penalty for forgery and false representation in support of application to - - - - - - - - - - - 220
....., power of, to remove a master, and appoint new one - - 240
....., appeal to, from decision of justices or umpire in salvage disputes - 464
..... (English and Irish) may settle security for release of ship, and adjudicate when salvage claims exceed 200*l*. - - - - - 468
. ....., jurisdiction of, in salvage cases - - - - - - 476
..... (Vice), judge of, may fix amount of salvage bond to be given to naval salvor abroad - - - - - - - 487
..... or other adjudicating court, salvage bond, &c. to be sent to England to 490
....., or by agreement Vice Admiralty Court, to adjudicate on salvage bond 492
....., power of, to enforce salvage bond - - - - - 493
....., voluntary agreement to abide decision of, to have same effect as salvage bond - - - - - - - - - - 497
....., power of Court of Chancery under Part IX. of Merchant Shipping Act, 1854, extended to - - - - - - 514*b*
..... (Irish), power of Irish Court of Chancery - - - - 514*c*
..... to have jurisdiction over claims for damage done by ship - - 526*a*
....., power to arrest foreign ship that has done damage - - 527
..... to have jurisdiction as to claims for damage to cargo imported - 548*u*
..... to be a Court of Record - - - - - - - 543*a*
....., decrees and orders of, to have effect of judgments at common law - 543*b*
....., as to claims to goods taken in execution - - - - - 543*c*
....., powers of Superior Courts extended to - - - - - 543*d*
....., party in, may apply for an order for inspection by Trinity House - 543*e*
....., admission of documents - - - - - - - 543*f*
....., power to order parties to proceed when personal service of citation has not been effected - - - - - - - - 543*g*
....., service of subpœna out of England and Wales - - - - 543*h*
....., power to issue new writs - - - - - - - 543*i*
....., judge and registrar to have same power as to arbitration as judges and masters at common law - - - - - - - 543*j*
....., power of registrar and of deputy or assistant registrar - - 543*k*
....., false oath deemed perjury - - - - - - 543*l*
....., power of appeal in interlocutory matters - - - - - 543*m*
....., bail given in, good in court of appeal - - - - - 543*n*
....., hearing of causes and cross causes - - - - - 543*o*
....., jurisdiction of - - - - - - - - - 543*p*
...., offences committed within - - - - - - - 543*q*
....., County Courts instead of. *See* County Courts.
....., transfer of causes by order of Admiralty Court from County Court to 543*u*
....., transfer of causes by order of County Court to - - - - 543*v*
....., transfer of causes to other County Courts on to - - - 543*w*
....., causes that can be tried in County Courts not to be taken to - 189*c*, 477*b*
....., evidence before registrar of County Court receivable in - - 543*gg*
....., conduct of sale in appeal case from County Court in - - 543 *ss*
..... of Cinque Ports, appeal to - - - - - - 543 *tt*

Section.

ADMIRALTY JURISDICTION, powers to courts having, to apportion salvage - - - - - - - 498
....., offences committed by British seamen at foreign ports to be within 267
....., offences committed within (legal procedure) - - - 520 *a*
....., offences (Larceny Act) committed within - - - - 520 *b*
....., County Courts with. *See* County Courts.
..... of County Court, extent of - - - - - - 189 *b*, 543 *s*
....., no other County Court than that appointed to have - - 543 *t*
..... (Colonies), persons charged in colony for offences committed on the sea tried as if offence had been committed within local jurisdiction of colonial court - - - - - - 543 *xx*
....., persons convicted to suffer like punishment as on conviction in England - - - - - - 543 *yy*
....., trial for murder and manslaughter when death only happens in colony or on sea - - - - - 543 *zz*
....., jurisdiction of Supreme Court of New South Wales and Van Diemen's Land preserved - - - - - 543 *aaa*
....., at trial in colonial courts by virtue of Imperial Acts, courts empowered to pass sentence as if owners had been committed in colony - - - - - - - 543 *ccc*
..... in India, provision for persons entitled to be tried by Supreme Court of a Presidency - - - - - - - 543 *bbb*

AFRICAN AND ASIATIC Passengers (Emigrants), governor of colony may allow a larger number to be carried in emigrant ship - - 329*u*
.... sailors. *See* Lascars.

AGREEMENTS to be made with seamen; particulars to be contained in form - - - - - - - - 149
....., provisions in case of colonial ships - - - - 149
..... with seamen, maximum period of voyage may be inserted in - 149*a*
..... with fishermen. Remuneration by share in fishing profits - - 149*b*
..... with seamen for foreign-going ships - - - - 150
..... (running), foreign-going ships making short voyages may have - 151
...., duplicates of, how to be dealt with - - - - 153
...., fees to be paid on - - - - - 154
..... with seamen in home-trade ships - - - - 155
..... (special) for home-trade ships belonging to same owner - - 156
....., penalty for shipping seamen without duly executed - - 157
..... with seamen engaged in colony - - - - - 159
.... shipped in foreign port to be endorsed by consul - - 160
...., rules as to production of, by masters of foreign-going ships - 161
...., rules as to production of, by masters of home-trade ships - 162
..... (time), for home-trade ships - - - - 162*a*
...., alterations void unless attested to have been made with consent of all parties - - - - - - 163
...., penalty for falsifying - - - - - 164
...., seamen not bound to produce - - - - 165
...., copy of, to be accessible to crew - - - - - 166
...., stipulation in, for remuneration for salvage services allowed - 182*a*
...., &c., to be deposited on arrival at foreign port with consul, at colony with customs officers - - - - - - 279
...., &c. under Part VIII. of Merchant Shipping Act, 1854, exempt from stamp duty - - - - - - - 495

AMERICA (NORTH), definition of - - - - - 2
....., British possessions in, laws, &c., repugnant to Imperial Acts relating to customs, trade, and navigation, null and void - - 547*h*
.... *See also* Canada.

ANCHORS. *See* Chain Cables and Anchors.
..... for passenger (emigrant) ships - - - - - 329*u*
....., manufacturer to mark - - - - - - 483

ANTISCORBUTICS for ships - - - - - - - 224*a*

ALLOTMENT NOTES, rules as to - - - - 168
....may be sued for summarily - - - - 169

ALTERATION IN SHIP to be registered - - - - - 84
...., registry anew may be required on - - - - 85

Section.

ALTERATION IN SHIP, provisional certificate of 85 and 86
...., consequence of omitting to register ship anew on - - 87

APPEAL from decision of Board of Trade in cases of surveys for unseaworthiness - - - - - - 291*e*
..... from County Court (Admiralty jurisdiction) to Admiralty Court - 543*mm*
....., time for such - - - - - - - - 543*nn*
....., agreement not to - - - - - - - 543*oo*
..... to Queen in Council - - - - - 543*pp*
....., cost of - - - - - - - - 543*qq*
..... not allowed unless amount over 50*l*. - - - - 543*rr*
..... case, sale in Admiralty Court instead of County Court in - - 543*ss*
..... to Admiralty Court of Cinque Ports - - - - 543*tt*

APPLICATION of monies and fines paid to Board of Trade - - - 11
..... of Merchant Shipping Act, 1854, to whole of British Dominions - 17
..... of fees under Part II. of Merchant Shipping Act 1854 in United Kingdom and British Possessions - - - - 95
..... of penalties under Passengers Act, 1855 - - - - 329 3*b*
..... of damages (liability of owner) - - - - 510
..... of penalties (legal proceedings) - - - - - 524

APPORTIONMENT OF SALVAGE, payment to be made to receiver in case of dispute as to - - - - - 466
...., receiver may make, in such cases - - - - 467

APPRENTICESHIPS to sea service, shipping officers to facilitate making of 124
...., shipping masters to assist in making - - - 141
...., indentures of, to be recorded, and free from stamp duty - 143
.... of paupers, rules to govern - - - - - 144

APPRENTICES to sea service; indenture of boys bound by guardians and overseers to be witnessed by two justices - - - - 142
...., and their indentures, to be brought to shipping master before voyage in foreign-going ship - - - - - - 145

ARBITRATION, salvage disputes may be settled by - - - 460
....., mode of proceeding under - - - - - 461
....., costs of - - - - - - - 462

ARRESTMENT of foreign ship which has done damage - - - 527
...., backing, in Scotland - - - - - - 534

ASSAULT on officers, punishment for - - - - - - 243

ASSESSORS, Nautical and Engineering, concurrence of one, with report upon which certificate is cancelled or suspended, necessary - - 242*a*
..... (Nautical), Board of Trade may appoint, to assist at investigation into wrecks and casualties - - - - - - 434
...., power of judge of County Court with Admiralty jurisdiction to summon nautical or mercantile - - - 543*y*, 543*z*, and note
...., appointment of, at County Courts - - - - 543*cr*
...., attendance of, at County Courts - - - - 543*dd*
...., removal of - - - - - - 543*ee*
.... of Court of Passage at Liverpool may make rules and orders for regulating practice of Court - - - - - 543*vv*, note
..... (Mercantile), judge of County Court with Admiralty jurisdiction may be assisted by - - - - - - 543*y*, 543*z*

ASIATICS, sailors. *See* Lascars.
..... and African emigrants; governor of colony may allow a greater number to be carried in emigrant ship - - - - 329*u*

ASSIGNMENTS, &c. on arrival of ship at foreign port to be delivered to consul; in colony to custom officer - - - - - 279
..... of apprenticeships indentures to be recorded - - - 143

B

BACKING sentences and decrees in Scotland - - 541
..... arrestments in Scotland - - - - 534

Section.

BADGES for emigrant runners - - - - - - 329 4n
.. .., penalty for using not lawfully issued - - - 329 4q
...., how fresh, obtained when lost - - - - 329 4r

BAIL given in Admiralty Court good in court of appeal - - - 543n

BALLASTAGE Dues paid to Trinity house to go to Mercantile Marine Fund - - - - - - 417
..... rates, application of - - - - - - 419
..... expenses to be charged on Mercantile Marine Fund - - 418
....., establishments to be fixed by Order in Council - - - 420
..... accounts to be sent to Board of Trade, audited and laid before Parliament - - - - - - 427, 428, 429

BANKS. *See* Savings Bank.

BANKRUPTCY, transmission of property in ship by - - - 58
....., proof of transmission by - - - - - 59
..... of Mortgagor not to affect right of mortgagee - - - 72
....., transmission of interest of mortgagee by - - - - 74
... ., mortgage or sale under certificate not to be impeached by - - 80, 81

BEACONS. *See* Lighthouses, Buoys and Beacons.

BEAMS, Regulations as to, in emigrant ships - - - - 329bb

BERTHS in emigrant ships, regulations as to - - - - - 329cc
.... not to be removed till passengers landed - - - 329ee

BERTHING of passengers in emigrant ships, regulations as to - - 329dd

BILLS OF LADING, rights under, to vest in consignee or endorsee - 548f
. ... Act not to affect right of stoppage in transitu on claims for freight - - - - - - - - 548g
.... in hands of consignee, evidence of shipment - - - 548h

BILL OF SALE to be produced on registry - - - - - 40
....., ship must be transferred by - - - - - - 55, 81
..... for transfer of ship or share to be entered in register book - - 57
....., punishment for forging - - - - - 101

BIRTHS AND DEATHS at sea, registration of - - - 274a

BOARD OF TRADE, definition of - - - - - - 2
... . to superintend merchant shipping - - - - - 6
..... title of - - - - - - - - - 6a
.... certificate and documents purporting to be signed or sealed in a given way to be received in evidence - - - - - - 7
..... to issue forms of instruments - - - - - - 8
..... certain forms and instruments free from stamp duty - - - 9
..... penalty for forging seal of - - - - - - 10
.... fraudulent alteration of forms issued by - - - 10
.... not using forms issued by - - - - - 10
..... application of monies and fines paid to - - - 11
..... returns to - - - - - - - - 12
....., officers of, may inspect ships documents and muster crew - - 13
..... may appoint inspectors - - - - - - - 14
..... inspectors, powers of - - - - - - - 15
...., witnesses summoned by, allowed expenses - - - 15
.... penalty for obstructing - - - - - - 16
.... may appoint surveyors and make regulations for measurement of ships - - - - - - - - 29
.... may sanction levying of tonnage rates upon registered tonnage, though Local Acts require a different system - - - 29a
.... may require insertion of particulars in certificate of registry - 36
.... consent of, required for alienation of forms relating to registry of ships - - - - - - - 96
..... reports or returns to be made by Local Marine Boards if required by 119
....., Local Marine Board failing to discharge its duties, duties may be assumed by, or new election ordered by - - - - - 120

Section.

BOARD OF TRADE, arangements of Local Marine Boards may be altered by, on complaint - - - - - - 121
..... to have control over shipping offices and fix fees - 123, 125
....., shipping offices in sailors homes in London to be under entire control of - - - - - - 129
.... may dismiss shipping master - - - - - 127
..... may direct business of shipping offices to be conducted at Custom House - - - - - - - 128
... ., powers of, over examination of masters and mates - - 132
..... may dispense with transaction before shipping master - - 130
..... to grant certificates of qualification to examiners - - - 132
..... to fix fees for examination - - - - - 133
..... to grant certificates of competency to those who pass - - 134
..... to grant certificates of service - - - - - 135
..... may grant copies of certificates in case of loss - - - 139
..... to fix fees on apprenticeship - - - - - - 141
..... may license persons to engage seamen - - - 146
..... to sanction forms of agreements with seamen - - - 149
.... of reporting changes in crew - - - - 158
..... to settle how duplicates of running agreements dealt with - - 153
..... to sanction form for allotment notes - - - - 168
..... to sanction form of accounts of wages - - - - 171
.... of certificates of discharge - - - - - 172
.... of release from wages - - - - - 175
.... for accounts of wages to be delivered by master on discharge of seamen - - - - - 176
...., for time agreements for home-trade ships - - 162*a*
....., power to establish savings banks - - - - 180*b*
.... to constitute shipping offices branch savings banks - - 180*c*
..... to make rules concerning money orders - - - 177
..... power to pay money order, when order lost - - - 178
..... power to pay wages, &c., of deceased seaman without probate under 50*l.* in value - - - - - - - 199
..... to make regulations for conduct of savings banks - - - 180*e*
..... may establish Mercantile Marine offices, and hold examinations of masters, mates and engineers - - - - 130*a*
....., wages and effects of seamen dying abroad to be remitted to - 197
....., wages and effects of seamen dying at home to be paid to shipping master at port of discharge, or to - - - - 198
..... power over seamen's wills - - - - - - 200
....., dealings with unclaimed wages by - - - - 202
....., disposal of effects of seamen discharged from Navy, dying in merchant ships, by - - - - - - 204
..... to pay expenses of bringing home distressed seamen - - 212
..... to regulate relief of distressed seamen - - - 212*a*
..... may sue for amount advanced for relief of seamen left abroad irregularly - - - - - - - 213
....., report of examination of provisions and water complained of to be sent to - - - - - - - 221
..... to publish scales of medicines, &c. - - - - - 224*a*
..... may call on Local Marine Boards to appoint inspectors of medicines 226
..... may appoint medical inspectors of seamen - - - 228 *c*
..... may investigate cases of incompetency and misconduct of masters and males - - - - - - 241
.... of engineers - - - - 241*a*
..... may suspend or cancel certificates of masters and mates - - 242
..... may grant new certificate of same or lower grade to persons whose certificates have been cancelled - - - - - 242
..... may reissue or return cancelled certificate to engineers (as well as masters and mates), shorten period of suspension, and grant new certificates - - - - - - 242*a*
....., report of proceedings of Naval Court to be sent to - - 265
..... to appoint Registrar-General of Seamen, and have control over his office - - - - - - - 271
..... to sanction form of ship's list - - - - - 273

Section.
BOARD OF TRADE to sanction form of official log - - - 280
....., appeal from decision of, in cases of survey for unseaworthiness - 291*e*
..... to pay expenses of surveys for unseaworthiness and detention of ship, if reported seaworthy - - - - - 291*d*
..... may recover from complainant, if complaint without reasonable cause 291*d*
....., power to vary requirements as to boats to be carried - - - 294*a*
..... to appoint surveyors of passenger steamships - - - 305
..... to regulate mode of surveys of passenger steamships - - 307
..... to sanction forms of surveyors declarations - - - 309
....., declaration of surveyors to be sent to - - - - 310
..... to issue certificates for passenger steamships - - - 312
..... to fix fees for certificates - - - - - 314
..... to transmit duplicate certificate to shipping master for owners - 313
..... may cancel certificate, and require fresh declaration - - - 316
....., surveyors to send a return as to build, &c. of passenger steamships to - - - - - - - 321
....., accident to steamship to be reported to - - - 326
..... to appoint emigration officers in United Kingdom - - 329*l*
..... may authorise alternative dietary scale for emigrant ships - - 329*ww*
..... may transfer pilotage jurisdiction by Provisional Order - - - 333*a*
..... may exempt any district from compulsory pilotage - - - 333*a*
..... to settle mode of publication of pilotage byelaws before Order in Council - - - - - - - 334
....., appeal against byelaws to - - - - - 336
....., pilotage returns to - - - - - - - 337
..... to lay pilotage returns before Parliament - - - 339
..... may examine and give pilotage certificates when pilotage authority refuses - - - - - - - - 342
..... may withdraw pilotage certificates - - - - 344
..... may grant pilotage certificates to masters and mates of home-trade passenger ships - - - - - - - 355
..... to sanction control of general over local lighthouse authority - 394
..... to direct how light dues are to be paid over and accounted for - 402
....., Scotch and Irish lighthouse authorities may appeal to, if Trinity House refuse approval of new lighthouses, buoys, or beacons - 405
....., sanction of, how obtained - - - - - - 406
..... decision, Trinity House to inform lighthouse authority of - - 407
....., power to Trinity House to compel execution of work with sanction of - - - - - - - 408
..... sanction, how obtained - - - - - 409
..... may sanction surrender of local lighthouses - - - - 413
..... powers as to application of ballastage dues - - - 419
....., no increase in lighthouse or ballastage establishments without consent of - - - - - - - 420
..... may sanction commutation of pension and grant of superannuation allowances - - - - - - 420*a*, 421
..... to approve estimates and accounts of general lighthouse authorities - 422
....., expenses of general lighthouse authorities not allowed except sanctioned by - - - - - - - 423
..... may apply for, and make provision for repayment of advances from Consolidated Fund towards erecting and repairing lighthouses - 424
..... may borrow money on credit of Mercantile Marine Fund for lighthouse purposes - - - - - - - 425
....., general lighthouse authority to account to, for receipt and expenditure - - - - - - - 427
..... to submit to Audit Commissioners accounts of Mercantile Marine Fund - - - - - - - - 428
..... to lay before Parliament accounts of Mercantile Marine Fund - 429
..... property free from rates and taxes - - - - - 430
..... ships exempt from harbour dues - - - - - 431
..... may appoint persons to make inquiries into cases of wreck and casualty - - - - - - - - 432
..... may direct investigation into wrecks and casualties before two justices - - - - - - - - 433
..... may appoint assessors (nautical and engineer) to assist at investigation into wrecks and casualties - - - 434
..... to consent to remuneration of investigating magistrate - - 435

Section.

BOARD OF TRADE may pay costs of investigation - - 436
..... may remit investigation in Scotland to Lord Advocate - - 437
..... may cancel or suspend certificates of masters and mates on report of investigation - - - - - - - 438
..... to superintend matters relating to wreck - - - 439
..... to appoint receivers of wreck - - - - 439
..... to fix fees to be paid to receivers of wreck - - - 455
..... to direct application of such fees - - - - 457
..... to settle disputes as to sums payable to receivers of wreck - - 458
..... may pay salvage of life out of Mercantile Marine Fund, when there are no other funds - - - - - 459
..... to settle fees in salvage arbitration cases - - - 462
..... may purchase, on behalf of Crown, rights to unclaimed wreck - 474
..... may direct proceedings for loss of life and permanent injury - 507
..... may order a special jury if either party require - - - 508
....., provision for conduct of proceedings by - - - - 509
..... to direct distribution of damages recovered - - - 510
..... refusing to institute proceedings, individuals may bring actions - 512
..... may sue in name of its officers - - - - - 529*b*
..... may repay out of Mercantile Marine Fund expenses incurred by Customs under Merchant Shipping Act, 1854 - - - 548
....., dues on ships not to be sold or charged without consent of - 548*a*
..... to superintend winding up of Merchant Seamen's Fund - - 180*k*
..... to regulate right to relief from Merchant Seamen's Fund - - 180*ss*
..... to make regulations as to applications for pensions from Merchant Seamen's Fund - - - - - - - 180*uu*
..... may commute pensions and give gratuities to widows from fund - 180*pp*

BOATS, Board of Trade inspectors may inspect - - - - 15
....., Life-boats, and Buoys for sea-going ships - - - 292
...., penalties for not providing - - - - 293
...., customs officers not to clear ship without - - 294
...., power to Board of Trade to vary requirements as to - 294*a*
..... for passenger steamers, surveyors may inspect - - - 306
..... for emigrant ships - - - - - - 329 *u*
..... of general lighthouse authorities exempt from harbour dues - - 431
..... (fishing), extension of Part III. of Merchant Shipping Act, 1854, to 109*a*
..... (pilot), pilotage authorities to make regulations as to - - 333
...., to be licensed by pilot authority - - - - - 345
...., characteristics of - - - - - 346
...., qualified pilots to display flag, though not in - - 347
...., penalty for ordinary boat displaying flag of - - - 348

BONDS. *See* Salvage Bonds.
..... &c., under Part VIII. of Merchant Shipping Act, 1854, free from stamp duty - - - - - - - - 495
..... to Crown, no emigrant ship to clear without - - - 329*o*
...., emigrant ship forfeited for sailing without - - - 329*q*
...., form of - - - - - - - 329 4*a*
...., where shipowner resident abroad - - - - 329 4*b*
...., counterpart of, to be sent to colony - - - 329 4*c*
..... to be given by licensed Trinity House pilots - - - 373

BUILDER, penalty for false statement required for registry of ship - 41

BODY CORPORATE may be registered as owners by corporate name - 37
....., declaration of ownership by - - - - - - 39
..... may grant sites for sailors homes - - - - - 546
....., saving of powers of, under local Acts - - - - 548 *v*

BREACH OF DISCIPLINE. *See* Discipline.

BREAD (soft) may be substituted for other bread stuff in emigrant ships - 329 *uu*

BRISTOL CHANNEL PILOTS, Trinity House may make arrangement for, with respect to Pilot Fund - - - - - - 386*k*

BRITISH CHARACTER, penalty for unduly assuming - - 103

BRITISH DOMINIONS, additional security required for ship's salvage abroad by naval salvor when owner not resident in - - 489

Section.

BRITISH JURISDICTION, foreign ships in, to be subject to rules for preventing collisions at sea - - - - 291*a*

BRITISH POSSESSIONS, definition of - - - - 2
..... *See* Colonies.

BRITISH SHIP, description and ownership of - - - - 18
..... to be registered, with certain exceptions - - - - 19
....., registrars of, in colonies - - - - - 30*a*
....., particulars to be marked before registry - - - 34*a*
....., rules as to naming - - - - - - 34*b*
....., ship with terminable certificate of registry granted in colonies to be deemed a registered - - - - - - 44*b*
..... wrecked or abandoned, restrictions on re-registration of - - 53*a*
....., Admiralty Court to have same powers over, as conferred on Chancery Court by sections 62, 63, 64, and 65 of Merchant Shipping Act, 1854 - - - - - - - 65*a*
....., ships altered, and not registered anew, to cease to be - - 87
....., effect of declaration that a ship shall not be recognised as - 106
....., copy of register to have same effect as original register of - - 107*a*
....., sale of unproved chain cables and anchors prohibited to - - 294*x*
....., rules for salvage of, in United Kingdom - - - 458
.... extended to outside limits of United Kingdom - - 458*a*
..... *See also* Ship.

BRITISH SUBJECTS, offences by, on board ship - - - 521*b*

BROKER. *See* Passage Broker.

BUOYS. *See* Lighthouses, Buoys, and Beacons.

BURIAL OF SEAMEN, how expenses to be defrayed - - - 228

BYELAWS for landing and embarking emigrants, dock trustees may make 429 4*u*
..... (pilotage) power to pilotage authorities to alter - - - 333
.... to be published before Order in Council - - - 334
.... to be laid before Parliament - - - - 335
...., appeal to Board of Trade against - - - - 336

C.

CABIN PASSENGERS in emigrant ships, where to be carried, and number of - - - - - - - - 329*r*

CABLES, permit to marine store dealers to cut up - - - - 481
..... *See* Chain Cables and Anchors.

CANADA, laws in force in, repugnant to Imperial Acts relating to customs, trade, and navigation, null and void - - - - - 547*a*.

CANCELLATION of masters and mates certificates - - - 242
..... of certificate to rest with court which hears case - - - 242*a*
....., certificates to be delivered up to Board of Trade on - - 242*b*

CARGO imported, Admiralty Court to have jurisdiction as to claims for damage to - - - - - - - - 548*u*

CARRIAGE of Dangerous Goods. *See* Dangerous Goods.

CATTLE, carriage of, in emigrant ships - - - - - 329 *ll*

CASUALTY. *See* Wreck and Casualty.

CERTIFICATES purporting to be sealed or signed by secretaries of Board of Trade to be received in evidence - - - - - 7

CERTIFICATES OF COMPETENCY (masters and mates), local marine boards to appoint examiners and hold examinations for - - - 131
...., power of Board of Trade over examinations - - 132
...., examinations where there are no local marine boards - 131*a*
...., fees for examinations for - - - - 133
.... to be granted to those who pass - - - - 134
.... for foreign-going ships available for home-trade passenger ships - 137

Section.

CERTIFICATES OF COMPETENCY (engineers), examinations for - 140*b*
.... to be granted to those who pass - - - 140*d*
.... (masters, mates, and engineers,) Board of Trade may hold examinations for, when they have established mercantile marine offices - - - - - - - - - 130*a*
.... in colonies - - - - - - - 140*g*

CERTIFICATES OF SERVICE (masters and mates), for home-trade passenger ships - - - - - - - 135
.... (engineers), granted on proof of certain service - - 140*b*

CERTIFICATES OF COMPETENCY OR SERVICE (masters, mates, and engineers), Registrar-General of Seamen to record grants, suspensions, and cancellations of - - - - - - 138
...., copy certified by Registrar General to be evidence - 139
...., copy of, may be granted in case of loss - - 139
....., ..., penalty for false representation to obtain, fraudulently using or lending - - - - - - - 140
...., rules for production in foreign-going ships - - 161
...., ... home-trade ships - - - - 162
...., Board of Trade may suspend or cancel in certain cases 242, 242*b*
...., cancellation and suspension of, to rest with court which hears case - - - - - - - - 242*a*
....., ... Board of Trade may return cancelled; shorten period of suspension, and grant new, of same or lower grade - - - 242*a*
.... to be delivered to Board of Trade on suspension or cancellation - - - - - - - - - 242*b*
...., master to return, to mates on discharge - - - 172
...., master or mates may be required not to deliver up, during inquiry into wrecks or casualty - - - - - - - 438

CERTIFICATES OF DISCHARGE, masters to give seamen - - 172
.... to be given to seamen discharged abroad - - - 205
.... to be obtained from some functionary when seamen discharged abroad - - - - - - - - - 207
...., proof of such to be upon master - - - - 208

CERTIFICATES, PILOTAGE, to be granted by pilotage authorities - 340
.... to be renewed annually - - - - - - 341
...., Board of Trade may examine and grant on pilotage authority refusing - - - - - - - 342
...., fees for - - - - - - - 343
...., power to Board of Trade to withdraw - - - 344
...., Board of Trade may grant to masters and mates of home-trade passenger ships - - - - - - - 355

CERTIFICATES, lime juice not to be sold without, from inspector - - 224*a*

CERTIFICATES FOR PASSENGER STEAMERS, declaration of engineer surveyors to certain statement as to engineers certificate - - 309*a*
.... Board of Trade to issue - - - - 312
...., duplicate of, to be sent by Board of Trade to shipping master for owner - - - - - - - 313
...., fees for - - - - - - 314
...., period for which they are to be in force - - - 315
...., Board of Trade may cancel, and require fresh declarations 316
...., copy of, to be placed in conspicuous part of ship - 317
...., passenger steamer not to go to sea without - - 318
...., penalty for carrying more passengers than number in - 319
...., forgery of, a misdemeanour - - - - 320
..... of emigration officer, no emigrant ship to be clear without - 329*o*
...., ship forfeited for sailing without - - - 329*q*
..... of test of chain cables and anchors - - - - 294*s*

CERTIFICATES OF MORTGAGE OR SALE of ship or share may be given by registrar - - - - - - - 76
...., requisites for - - - - - - - 77
...., restrictions on - - - - - - 78
...., form of - - - 79

Section.

CERTIFICATES OF MORTGAGE OR SALE, rules as to - - 80, 81
...., provision in case of loss of - - - - 82
...., revocation of - - - - - - - - 83
...., forgery of, felony - - - - - - - 101

CERTIFICATES OF REGISTRY necessary before clearance - - 19
...., number of, to be carved on main beam of ship - - 25
...., before granted, Board of Trade surveyor to survey ship - 36
...., evidence to be produced before granting - - - 40
.... form of - - - - - - - - 44
.... (terminable), grant of, in colonies - - - - 44*a*
.... (terminable), colonial ship having, to be deemed a registered British ship - - - - - - - - 44*b*
.... change of ownership to be endorsed on - - 45
.... change of master to be endorsed on - - - - 46
.... power to grant new, on delivery of former one - - - 47
.... provision in case of loss of - - - - - 48
.... (provisional) to be delivered up on arrival of ship in United Kingdom - - - - - - - - 49
.... not subject to detention - - - - - - 50
...., penalty for detention of - - - - - 50
...., provision in case of party detaining, absconding - - 51
...., penalty for using improper - - - - 52
.... of ship lost or ceasing to be British, to be delivered - - 53
.... (provisional) for ships becoming British property at foreign ports 54
...., alteration of ship to be endorsed on - - - 84
...., a new, may be required on alteration - - - 85
.... (provisional) on alteration of ship - - - - 85, 86
.... a new, may be granted, if required, on change of owner - 88
...., fresh, on transfer of registry to another port - - 90
...., delivery of, on transfer of registry - - - 90*a*
...., forgery of, felony - - - - - - 101
...., copies of, admissible in evidence - - - - 107

CERTIFICATES OF SURVEY to be delivered to registrar before registry - 36
...., declaration of ownership to refer to ship as described in - 38
...., description of ship in, to be entered in register book - - 42

CEYLON AND INDIA, Government of Ceylon may regulate number of passengers carried in emigrant ships between - - - 329*v*

CHAIN CABLES AND ANCHORS, limitation of corporations entitled to test - - - - - - - - 294*d*
...., public bodies to purchase existing licensed testing machines before establishing new ones - - - 294*e*
...., price for existing machines to be settled by valuer appointed by Board of Trade - - - - - - 294*e*
...., advances for establishing testing machines by Public Works Loan Commissioners - - - - - 294*f*
.... of ships alleged to be unseaworthy, to be tested - 291*g*, 294*aa*
...., Board of Trade to appoint inspectors of testing establishments for - - - - - - - 294*g*
...., remuneration of inspectors - - - - 294*j*
...., licenses for machines to be renewed half-yearly - 294*n*
...., fees for licenses - - - - 294*i*
...., fees to be carried to Mercantile Marine Fund - - 294*k*
...., all expenses connected with, incurred by Board of Trade and Trinity House, to be paid out of Mercantile Marine Fund - 294*k*, 417*a*
.... to be tested in order, and impressed with authorised proof mark - - - - - - - - 294*l*
....A., mode of testing - - - - 294*m*
...., superior tests may be substituted for statutory test - 294*p*
..... .A... ....., charges for testing and affixing proof marks to - 294*q*
.... may be detained by tester till charges paid - - 294*r*
...., certificate of test to be given on application - - 294*s*
...., offences connected with - - - - 294*t*
...., penalty for using unlicensed machines - - 294*u*
.... A....., markers of, not relieved by Act from any responsibility - 294*v*

Section.

CHAIN CABLES AND ANCHORS, sale of unproved, prohibited to British and Foreign ships - - - - 294*w*, 294*x*
...., contract for sale of, to imply warranty - - 294*y*

CHANCERY, COURT OF, unqualified owner by transmission may apply to, for sale of ship - - - - - - - 62
..... may make order for sale - - - - - - - 63
....., limitation of time for such application to - - - - - 64
..... may prohibit transfer of ships on application of interested party - 65
....., Admiralty Court (in England and Ireland) to have same powers over British ships as conferred on, by foregoing sections - - 65*a*
....., powers of, under Part IX. of Merchant Shipping Act, 1854, extended to Admiralty Court - - - - - - 514*b*
.... in Ireland - - - - - - 514*c*

CHANGE OF OWNERS to be entered on certificate of registry - - 45
...., registry anew may be granted on - - - - - 88

CHANNEL ISLANDS within home-trade limits - - - - 2
...., registration of ships in - - - - - 30
...., light dues not to be levied without consent of States - 411
....., Trinity House to exercise no powers in, without Order in Council - 411

CHARACTER, ship not to be cleared without declaration of national - 102
....., penalty for concealment of British - - - - - 103
....., penalty for undue assumption of foreign - - - - 103

CINQUE PORTS ADMIRALTY COURT, causes transferred from county court to - - - - - - - - 543 *tt*

CINQUE PORT PILOTS (old) to be competent to pilot ships within districts for which they are licensed - - - - - 386*a*
.... to be subject to same rules as Trinity House pilots - - 386*b*
...., rates to be asked for, by - - - - - - 386*d*
.... to have same remedies for recovery of rates as Trinity House pilots - - - - - - - - 386*e*
...., property of, to be transferred to Trinity House - - 386*f*
...., Pilot Fund, payments to be made to Trinity House - - 386*f*
...., Trinity House to pay debts and grant pensions out of - 386*g*
...., Trinity House may enable, to purchase interest in Trinity House Pilot Fund - - - - - - - 386*g*
...., settlement of claims of, by Trinity House - - - 386*i*
...., alteration of payment to Trinity House Pilot Fund by - 386*j*

CINQUE PORT RECEIVERS OF WRECK to hold office at will of Board of Trade - - - - - - - - 439*b*
..... salvage disputes to be settled as hitherto - - - 460

CLEARANCE, British ships not to obtain, without production of certificate of registry - - - - - - - - 19
..... not to be granted till national character of ship declared - - 102
..... not to be granted to ship unprovided with boats and life buoys - 294
....., emigrant ships not to obtain, without certificate from emigration officer and bond to Crown - - - - - - 399*o*
.... before two lists of passengers have been given - - 329*w*
....., list of passengers joining after clearance also to be given - 329*x*
..... not to be granted without receipt for light dues - - - 400

COAST GUARD, officer of, may hold inquiry into cause of wreck or casualty - - - - - - - - - 432
...., officer of, may require investigation before two justices - - 433
...., officer of, may be appointed and exercise powers of receivers of wreck - - - - - - - - - 439
...., remuneration of, for services at wrecks - - - 455*c*

COASTING TRADE, agreements with seamen not required for ships of less than 80 tons employed in - - - - - - 149
....., foreign ships engaged in, subject to same rules as British ships - 547*g*
....., foreign ships in coasting trade not to be subject to higher rates than British ships - - - - - - - - 547*h*
..... in colonies - - - - - - - - 547*c*
..... in India - - 547*d*, 547*e*, 547*f*

Section.
COLLISIONS to be entered in official log - - - 282–328
....., rules for preventing - - - - - - 299a
.... to be published - - - - - - 299b
...., owners and masters bound to obey - - - - 299c
...., breaches of, wilful default - - - - - 299d
...., liability for infringement of - - - - - 299e
...., inspection for enforcing - - - - 299f
...., foreign ships in British jurisdiction subject to - - 291a
...., when adopted by foreign countries, may apply to their ships on high seas - - - - - - - - 291b
.... in harbours and rivers under local Acts, to remain in force - 299g
...., where none exist, may be made - - - 299n
....., duties of masters in case of - - - - - 299 i
..... county court to have jurisdiction when claims for, do not exceed 300l. or above that sum by agreement - - - - 477a
COLONIES, definition of - - - - - - - - 2
....., registrars of shipping - - - - - 30, 30a
..... governors, to be substitutes for Commissioners of Customs, and consular officers for justices, in matters affecting registry of ships - - 31
....., terminable certificates of registry - - - - - 44a
....., ship with terminable certificate deemed a British registered ship - 44b
....., application of fees under Part II. of Merchant shipping Act, 1854 - 95
....., governor may grant passes for unregistered ships to go from one port to another - - - - - - - - - 98
....., certificates for masters, mates, and engineers - - - 140g
....., proviso as to forms of agreement with seamen for colonial ships - 149
....., engagement of seamen in - - - - - - 159
....., governors to make regulations as to supply of anti-scorbutics - 227b
....., ... to appoint medical inspectors - - - - 228c
....., ... to appoint surveyors of crew spaces - - - - 231b
....., ... to appoint emigration officers - - - - 329 l
....., ... may allow a larger number of Asiatic and African passengers in emigrant ships - - - - - - - - 329u
....., ... to have powers of Commissioners of Customs - - 547b
....., ... may proclaim length of voyages, dietary scale, medicines, &c. for colonial emigrant ships - - - - - - 329 5k
....., on arrival of ship in, agreements, &c. to be delivered to customs officers - - - - - - - - - 279
....., provisions of Merchant Shipping Act, 1854, as applied by Governments of, to their own ships, may be enforced throughout empire - 288
.... Admiralty jurisdiction in. *See* Admiralty Jurisdiction.
COLONIAL emigrant ships, provisions for survey of, and appointment of surgeons - - - - - - - - - 329 5l
..... legislatures to have power to alter provisions of Merchant Shipping Act, 1854, as regards ships registered in colony - - - 547
.... to regulate coasting trade of colony - - - 547c
..... lights, dues to be fixed by Order in Council - - - - 416a
.... not to be levied without consent of legislature - - 416b
...., mode of collecting - - - - - - 416c
.... to be paid to Paymaster-General - - - 416d
.... to be applied to expenses of lighthouse for which levied - 416e
...., power to borrow money on security of - - - 416f
...., accounts of lighthouses to be kept, audited, and laid before Parliament - - - - - - - 416g
..... voyages (Passengers Act) defined - - - - - 329 5i
COLOURS, penalty for carrying improper - - - - - 105
COMBINATION to disobey, punishment for - - - - - 243
COMMISSIONERS of Audit to audit Mercantile Marine Fund accounts - 428
..... of Customs. *See* Customs Commissioners.
..... for Reduction of National Debt to keep deposits and pay interest for savings banks - - - - - - - - - 180d
..... of Irish Lights. *See* Irish Lights and Lighthouse Authorities.
..... of Northern Lighthouses. *See* Northern Lighthouses.
....., Public Works Loan. *See* Public Works Loan Commissioners.

Section

COMPASSES, adjustment of - - - - - - 301

COMPENSATION, seamen discharged before voyage to have - - 167
... ., regulations of Lands Clauses Consolidation Acts in respect of, to be included in Merchant Shipping Act, 1854 - - - - 509
....., Board of Trade to distribute damages recovered for - - 510
...., parties dissatisfied with, may bring actions - - - 511

COMPETENCY. *See* Certificates of Competency.

COMPLAINT, survey of provisions and water on - - - - 221
....., seamen to be allowed to go ashore to make - - - 232
..... , naval courts on high seas may be summoned to hear - - 266
.... before naval court, penalty for preventing - - - - 266
..... , inquiry by consular officer on - - - - 268
..... . without reasonable cause, expenses of surveys for unseaworthiness and detention of ship to be recovered from complainant in case of - 291 *d*
....., form of, in Scotland - - - - - 532

COMPULSORY PILOTAGE *See* Pilotage.

CONDUCT of crew to be entered in official log - - - - 282

CONFLICT of law - - - - - 290

CONSIGNEES, power of, to retain light dues paid by them - - 400*b*
..... . rights under bills of lading to vest in - - - - 548*f*
. ..... bill of lading in hands of, evidence of shipment - - - 548*h*

CONSULAR OFFICER, definition of - - - - - 2
..... to make returns to Board of Trade - - - - 12
. ..... may inspect ships documents and muster crew - - - - 13
.... to act as registrar of ships - - - - - 31
. ..... to indorse change of master on certificate of registry - - 46
.... may seize ships using improper certificate - - - - 52
... . may grant provisional certificate for ship becoming British at foreign port - - - - - - - 54
..... to indorse on certificate of mortgage all mortgages made thereunder 80
..... to register revocations of mortgage and sale - - - 83
..... may seize forfeited ship and improper colours - - - 103, 165
...., seamen engaged in foreign ports to be shipped before - - 160
. ....., alteration in agreement void if not attested by - - - 163
.. .., may detain foreign ship causing injury - - - - 528
..... or shipping master, wages and effects of deceased seamen to be paid with full accounts to - - - - - - - 195
..... or customs officer to take charge of wages and effects of seamen dying abroad, and remit to Board of Trade - - - - 197
....., expenses in respect of illness, injury, or hurt of seaman paid by, recoverable from owner - - - - - - 229
....., on arrival at foreign port, agreements, &c to be delivered to - - 279
..... to receive statements as to salvage services abroad by navy ship - 486
.... or judge of Vice-Admiralty Court to fix amount of salvage bond to naval salvor - - - - - - - 487

CONSOLIDATED FUND, fines to be carried to - - - 11
.... property of Merchant Seamen's Fund to be carried to - - 180 3*c*
....., unclaimed wages and effects of deceased seamen to go to - - 202
....., penalties recovered in United Kingdom to go to - - - 524
....., produce of sale of unclaimed wreck to go to - - - 475

CONTRACT for sale of chain cables and anchors to imply warranty - 294*y*
....., passage money to be returned if passage in emigrant ship not according to the - - - - - - - 329 3*i*
..... tickets to be given to all passengers in emigrant ships - - 329 4*j*
.... , penalty for altering or inducing to part with - - - 329 4*k*
...., summary remedy for breach of stipulations in - - - 329 4*l*
...., penalty for omitting to produce - - - - 329 4*m*
..... with lascars - - - - - - 544, 544*a*

CONVICTIONS to be entered in official log - - - - 282
..... relative to treatment of lascars not to be quashed for want of form - 544*k*

Section.

COOK AND COOKING APPARATUS for emigrant ships - - 329*yy*

CORPORATIONS entitled to test chain cables and anchors - - 294*d*
..... to purchase existing licensed testing machines before establishing new ones - - - - - - - - 294*e*
....., price to be given by, for machine, to be decided by valuer appointed by Board of Trade - - - - - - - 294*e*
....., advances by Public Works Loan Commissioners to testing - - 294*f*
See also Body Corporate.

COUNTY COURTS, with Admiralty jurisdiction - - - - 543*i*
....., extent of Admiralty jurisdiction of - - 189*b*, 543*s* and note, 477*a*
..... no, other than that appointed, to have Admiralty jurisdiction - 543*t*
..... cases that may be tried in, not to be taken Admiralty Court or superior court - - - - - - - 189*c*, 477*b*
..... having Admiralty jurisdiction may apportion salvage - - 498
....., transfer from, by order of Admiralty Court - - - 543*u*
....., transfer of causes to Admiralty Court by order of - - 543*v*
....., transfer of causes to other, or Admiralty Court - - - 543*w*
..... restriction on proceedings in Admiralty or superior court when cause might have been tried before - - - - - - 543*x*
....., power of judges and registrars of - - - - - 543*y*
....., judge of, may summon nautical or mercantile assessors - - 543*z*
....., decrees in, in Admiralty causes, to have same force as those in civil causes - - - - - - - - 543*aa*
....., judge of, to settle Admiralty causes at usual courts - - 543*bb*
....., appointment of assessors at - - - - - 543*cc*
....., attendance of assessors at - - - - - 543*dd*
....., removal of assessors - - - - - 543*ee*
....., power to registrar of, to take evidence on oath - - - 543*ff*
....., evidence before registrar, receivable in Admiralty Court - - 543*gg*
....., proceedings in, for commencement of cause - - - 543*hh*
....., limitation of arrest in - - - - - 543*ii*
....., power to issue process - - - - - 543*jj*
....., registration of decrees and orders of - - - - 543*kk*
....., Court of Passage to have like jurisdiction as Liverpool - - 543*ll*
....., appeal from, to Admiralty Court - - - - - 543*mm*
....., time for appeal - - - - 543*nn*
....., agreement not to appeal - - - 543*oo*
....., appeal to the Queen in Council - - - - - 543*pp*
....., costs of appeal - - - - - - 543*qq*
....., no appeal unless amount over 50*l*. - - - - 543*rr*
....., conduct of sale, in appeal case in Admiralty Court instead of - 543*ss*
...., causes transferred by, to Admiralty Court of Cinque Ports - - 543*tt*
..... Acts applied to County Courts Admiralty Jurisdiction Acts - - 543*uu*
....., practice in, to be regulated by general orders - - - 543*vv*
....., authority for general orders - - - - 543*ww*
....., jurisdiction under County Courts Admiralty Jurisdiction Act and Amending Act may be exercised in proceedings in rem or in personam - - - - - - - - 543*ww* note
....., jurisdiction of, may be exercised either in proceedings in rem or in personam - - - - - - - 543*ww* (note)

COURT. *See* Chancery, Court of. County Court. Superior Court.
..... of Passage at Liverpool to have like jurisdiction as Liverpool County Court - - - - - - - - - - 543*ll*
..... Court of Passage, assessor of, may make general rules and orders for regulating practice of Court - - - - 543*vv* note
..... of Passage at Liverpool may make general rules and orders for regulating practice of that court - - - 543*vv* (note)
..... of Record, power of judge to arrest foreign ship which has done damage - - - - - - - - 527
..... of Session in Scotland may settle security to be given and adjudicated when salvage claim exceeds 200*l*. - - - - 468
...., jurisdiction of - - - - - 468*a*

CREDITORS, provision for paying just claims of, and preventing fraudulent claims on wages and effects of deceased seamen - - - 201

Section.

CREW, Board of Trade officers, navy officers, consuls, and Registrar-General of Seamen may muster - - - - 13
....., agreements with. *See* agreements.
....., changes in, of foreign-going ships to be reported - - 158
....., copy agreements to be accessible to - - - - - 166
....., questions between master and owner and, may be decided by shipping master, if referred to him - - - - 173
....., every member of, to produce ships papers to, and give evidence before shipping master - - - - - - - 174
....., survey of provisions and water on complaint from - - - 221
....., forfeiture of wages in case of frivolous complaint - - - 222
....., conduct of, to be entered in official log - - - - - 282
....., of steamers, penalty for molesting - - - - - 323*b*
....., efficiency of, for emigrant ships - - - - - 329*jj*
..... to have same provisions and water as passengers in emigrant ships - 329*oo*
..... spaces, rules with respect to - - - - 231*a*
.... to be deducted from registered tonnage - - - - 231*a*
...., governors in colonies may appoint surveyors of - - 231*b*

CRIMES at foreign ports to be within Admiralty jurisdiction - - 267
....., conveyance of offenders and witnesses to United Kingdom or colony - 268
....., inquiry into cause of death on board - - - - 269
....., deposition to be received in evidence when witness cannot be produced 270

CRIMINAL PROCEEDINGS under Seamen's Savings Bank Act - 180*j*

CROWN, bond to, for emigrant ships - - - - - 329 4*a*
.... when owner resides abroad - - - - 329 4*b*
.... counterpart to be sent to colony - - - - 329 4*c*

CROWN DEBT, expenses of shipwrecked emigrants to be - 329 3*n*, 329 3*q*

CROWN RIGHTS to unclaimed wreck - - - - - - - 475*a*

CUSTOM HOUSES, business of shipping offices may be transacted at - 128

CUSTOMS, Commissioners of, powers of, in case of loss of certificate of mortgage or sale - - - - - - - 82
...., registrar to make return of all registrations to - - - 94
.... may grant passes in special case to unregistered ships to go from one port to another - - - - - - - 98
.... to supply and alter forms and issue instructions under Part II. of Merchant Shipping Act, 1854 - - - - - - 96
...., expenses incurred by, to be repaid by Board of Trade out of Mercantile Marine Fund - - - - - - 548
..... officers may inspect ship papers and muster crew - - - 13
...., on arrival of ship in colony, agreements, &c. to be deposited with 279
....-or consular agent to take charge of seamen dying abroad, and remit to Board of Trade - - - - - - - 197
...., duties of emigration officers to be performed in certain cases by 329*m*
....., business of shipping offices may be transacted at Custom houses - 128
.... laws, &c. in British possessions in America repugnant to Imperial Acts relating to, null and void - - - - - - 574*a*

D.

DAMAGE to ship, punishment for wilful - - - - - - 243
..... to steam ships to be reported to Board of Trade - - - 326
..... to ship or goods, owner may institute proceedings to settle liability for 514
....., power to arrest foreign ship which has done - - - 527
..... done by ship, Admiralty Court to have jurisdiction in cases of - 526*a*
..... power to Court of Record or Admiralty Court to arrest foreign ship that has done - - - - - - - - 527
..... to cargo or by collision, county court to have jurisdiction of claim under 300*l*., and by agreement over that amount - - - - 477*a*
..... to cargo imported, Admiralty Court to have jurisdiction - - 548*u*

DAMAGES (liability of shipowner), rules as to, and application of - 510
...., statutory, party dissatisfied with, may bring an action on his own account - - - - - - - 511
...., money paid [illegible] to be accounted for between part owners - - - - - - - - - 515

Section.

DANGEROUS GOODS, restrictions on carriage of - - - 329*a*
....., penalty for misdescription of - - - - - 329*b*
....., power to refuse goods suspected of being - - - 329*c*
....., power to throw overboard - - - - - - 329*d*
....., forfeiture of, improperly sent - - - - - 329*e*
..... Acts, saving clause as to - - - - - - 329*f*

DEALERS IN MARINE STORES, regulations for - - - 480
...., permit for, to cut up chain cables - - - - 481
...., permit to be advertised - - - - 482
...., penalties - - - - - - - 482

DEATH on board ship, inquiry into cause of - - - - - 269
..... at sea, registration of - - - - - 274*a*
DEBT exceeding 5*s*. not recoverable till end of voyage - - - 234

DECEASED SEAMEN. *See* Wages and Effects.

DECK HOUSE, cabin passengers in emigrant ships may be carried in - 329*r*

DECK PASSENGERS, shelter to be provided in steam ships for - - 301

DECKS, upper and lower passenger (emigrant), definition of - - 2
..... of emigrant ships, rules as to - - - - 329*bb*
....., emigrants carried only on two - - - - 329*r*

DECLARATION OF OWNERSHIP of individual - - - 38
.... of body corporate - - - - - - 39
.... of transferee - - - - - 56
.... to be retained by registrar - - - - - 61
...., power to registrar to dispense with - - - - 97
.... in case of infancy, &c. - - - - 99
...., penalty for false - - - - - 103
...., forgery of, felony - - - - - 101
...., false, made a misdemeanor - - - - - 103*a*
..... of national character, necessary before ship cleared - - - 102
..... that ship shall not be recognised as a British ship, effect of - - 106
....., copies of, admissible in evidence - - - - 107

DECLARATIONS OF SURVEYORS for passenger ships to be transmitted to Board of Trade - - - - - - - 310
...., time for transmission - - - - 311, 311*a*
.... Board of Trade may cancel certificate, and require fresh - 316
...., forgery of, a misdemeanour - - - - 320
..... (engineer) to contain statements concerning engineer's certificate - 309*a*

DEFAULT, wages forfeited when seaman is ill by his own - - 228*b*

DEFENDANT AND WITNESSES (legal procedure, Scotland), mode of requiring attendance of - - - - - - - 533

DEFENDER (legal procedure, Scotland), sentence and penalties on, in default of appearance - - - - - - - 539
.... warrant to apprehend, in default of appearance - - 540

DEFINITIONS - - - - - - -

DELIVERY OF GOODS, power to shipowner to enter and land goods in default of owner doing so - - - - - 548

DELIVERY OF GOODS, LIEN FOR FREIGHT to continue, if shipowner give notice - - - - - - 548*j*
..... ?....., to be discharged on proof of payment - - - 548*k*
...., on deposit with warehouse owner - - - - 548*l*
....., warehouse owner at end of 15 days, if no notice given, may pay deposit to shipowner - - - - - - 548*m*
....., course to be taken if no notice given - - - 548*n*
....., after 90 days warehouse owner may sell goods by auction - - 548*o*
....., notice of sale to be given - - - - - 548*p*
....., application of monies from sale - - - - - 548*q*
....., warehouse owner's rent and expenses - - - 548*r*
....., warehouse owner's protection - - - - 548*s*

Section.

DEPOSITIONS to be received in evidence when witness cannot be produced (crimes abroad) - - - - - 270

DERELICT, definition of - - - - - 2
....., foreign goods found, to be subject to importation duties - - 499

DESERTERS apprehended without warrant - - - - 246
..... may be sent on board, instead of imprisonment - - - 247
..... imprisoned, may be sent on board before termination of sentence - 248
....., penalty for harbouring - - - - - 257

DESERTION, punishment for - - - - - 243
....., compensation for unnecessary detention for - - - 243c
..... abroad, copies of entries and certificates of, to be sent home and admitted in evidence - - - - - 249
....., facilities for proving, so far as concerns forfeiture of wages - 250
....., application of forfeiture of wages for - - - - 253
....., penalty for enticing to - - - - - 257

DETENTION of ship, officer not liable for - - - - 104
..... abroad, salvage bond to be given to naval salvors to avoid - - 486
....., right of, to cease on execution of salvage bond - - - 488
..... of certificate of registry, penalty for - - - 50
.... provision in case of detaining party absconding - - 51

DIETARY SCALE for emigrant ships - - - - 329ss
....., Board of Trade may authorise an alteration - - - 329ww
..... for colonial emigrant ships, governor may proclaim a - - 329zk

DISCHARGE of mortgage, to be registered - - - 68
..... of seamen, shipping offices to superintend and facilitate - - 124
.... fees to be paid at shipping office on - - - 125
.... part of fees to be deducted for seamen's wages - - - 126
.... under running agreements before termination of agreement - 152
.... before commencement of voyage, seamen to be compensated - 167
.... from foreign-going ships to be made before shipping master - 170
...., master to deliver account of wages on - - - 171
...., master to give certificates of - - - - 172
...., release from wages to be a mutual - - - - 175
...., master to make a report of character on - - - - 176
...., provisions relating to, may be extended to foreign ships by Order in Council - - - - - - - 176a
..... abroad, seamen may sue for wages abroad in case of - - - 190
...., seamen to be sent home at owner's expense, and certificates of discharge given on - - - - - - - 205
...., certificate of some functionary necessary on - - 207
.... for inability, wages to be paid in case of - - - 209
...., wages to be subject to payment of expenses of subsistence and passage home - - - - - - - - 210

DISCIPLINE, breach of, seamen imprisoned for, may be sent on board before termination of sentence - - - - - - - 248
....., distressed seamen carried home by compulsion subject to same penalties for, as crew - - - - - - - - 245

DISPUTES as to salvage, how to be settled - - - - 460
...., manner in which justices may decide - - - 461
...., cost of arbitration in - - - - - - 462
...., justices may call for documents and administer oaths in - 463
...., appeal to Admiralty Court for decision of justices in - - 464
...., justices to send copy of proceedings, &c. to court of appeal - 465
..... as to title to unclaimed wreck, to be decided by two justices - 472
....., appeal from decision of justices - - - - - 473

DISOBEDIENCE, punishment of combination for - - - 243

DISTRESSED SEAMEN ABROAD to be relieved and sent home at public expense - - - - - - - 211
...., masters of British ships compelled to bring home - - 212
...., Board of Trade to pay expense of bringing home - - 212

Section.

DISTRESSED SEAMEN ABROAD, relief of, to be regulated by Board of Trade - - - - - - - 212*a*
...., extension of provisions concerning - - - - 213*a*
...., left irregularly, expenses of, to be a charge on the ship - 213
...., Board of Trade may sue for amount advanced for relief 213
..... carried in ships by compulsion, subject to same penalties for breach of discipline as crew - - - - - - 245
..... , Lascars, penalty for leaving in United Kingdom - - - 544*b*
...., relief of - - - - - - - 544*c*
...., East India Company to supply necessaries for, and may recover from shipowner - - - - - - 544*m*

DISTRESS on light dues - - - - - - 401
..... on ship, sums ordered to be paid, leviable by - - - 523
....., signals of - - - - - - 498*a*
....., duty of receiver when ship in - - - - 441
....., power to pass over land to ship in - - - - 445
....., receiver may institute inquiry in case of ship in - - - 448

DOCK TRUSTEES may make byelaws for landing and embarking emigrants - - - - - - 329 4*u*

DOCUMENTS signed or sealed by secretaries of Board of Trade admissible in evidence - - - - - - 7
..... proved without calling attesting witnesses - - - - 526

DRAUGHT OF WATER to be marked on stem and stern - - 34*a*
.... to be recorded in official log - - - - 291*h*
...., particulars to be recorded - - - - 291*i*
...., penalty on pilot making false declaration as to - - 359
...., settlement of disputes between master and pilot as to - 384

DRUNKENNESS, certificates may be cancelled or suspended for - - 242
....., penalty on passengers in steamer for - - - - 323*a*
....., power to remove passengers in steamer - - - 325
....., misconduct from, endangering ship, life, or limb, misdemeanour - 239
....., penalty on pilot acting in a state of - - - - 366

DUBLIN CORPORATION, PORT OF, name changed to Commissioners of Irish Lights - - - - - - 389, note
.... *See* Lighthouse Authorities.

DUES, tolls, rates, &c. on ships, not to be sold or charged without Board of Trade's consent - - - - - - 403*a*, 548*r*
..... (harbour), ships and boats of general lighthouse authorities exempt from - - - - - - 431
..... (pilotage). *See* Pilotage Dues.
..... (light). *See* Light Dues.

DUNGENESS, Trinity House to make regulations for constant supply of qualified pilots at - - - - - - 377
....., ships passing, to take first qualified pilot offering himself - - 378

DUTY, breach or neglect of, endangering ship, life, or limb, a misdemeanor - 239
..... *See also* Stamp Duty.

E.

EAST INDIAN GOVERNMENT, provisions of Merchant Shipping Act, 1854, if applied to their own ships by, may be enforced throughout empire - - - - - - - - 288

EAST INDIAN ACTS, in pursuance of Merchant Shipping Act, 1854, subject to disallowance, and require sanction as other Acts - 289

EAST INDIA COMPANY to supply necessaries for distressed lascars, and may recover from shipowner - - - - - 544*m*

EFFECTS OF DECEASED SEAMEN. *See* Wages and Effects.

Section.

EFFECTS, penalty for detention by lodging-house keepers, &c. of seamen's - 236
..... of seamen discharged from navy, dying in merchant ships, to be disposed of by Accountant-General of Navy - - - 204

ELECTION OF MEMBERS FOR LOCAL MARINE BOARD - 110
...., qualification of voters at - - - 111
...., list of voters to be made out for - - 112
...., revision of list of voters - - - 113
...., expenses of revision to be paid by Board of Trade - 115
...., persons on revised list only qualified to vote at - 116
...., errors in, not to vitiate any act of Board - 118
...., in case of local marine board failing to discharge its duties, Board of Trade may direct a new - - - 120

EMBEZZLEMENT of stores, punishment for - - - - 243
..... in mercantile marine offices, penalty for - - - - 127*a*

EMIGRANT SHIPS, definition of passage, passenger, statute adult, upper and lower passenger decks, and emigrant runner - - - 2
....., ships and voyages - - - - - - 329*g*
....., exemption of officials from personal liability - - - - 329*j*
....., powers and duties of Emigration Commissioners transferred to Board of Trade - - - - - - 329*k*
....., Board of Trade to appoint emigration officers in United Kingdom governors in colonies - - - - - - 329 *l*
....., duties of emigration officers to be performed in certain cases by customs officers - - - - - - - 329*m*
....., facilities to emigration officers to inspect any ship - - - 329*n*
....., clearance not to be given without emigration officer's certificate - 329*o*
....., forfeiture of ship going to sea without certificate and bond - - 329*q*
....., passengers to be carried on two decks only - - - 329*r*
....., cabin passengers may be carried in deck house in addition, number not to exceed one to every 100 tons register - - - 329*r*
....., rules for determining number of passengers - - - 329*s*
....., Act of 16 & 17 Vict. c. 84. not to be repealed - - - 329*t*
....., colonial governors may allow larger number of Asiatic and African passengers - - - - - - - - 329*u*
....., Government of Ceylon may regulate number of passengers between Ceylon and India - - - - - 329*v*
....., two lists of passengers to be delivered before clearance - - 329*w*
....., list of passengers embarking after clearance also to be delivered - 329*x*
....., cabin passengers to be included in lists - - - - 329*y*
....., penalty on "stowaways" - - - - - 329*z*
....., all ships to be surveyed; appeal from surveyor's report - 329*aa*
....., regulations as to beams and decks - - - - 329*bb*
....., ... berths - - - - - - 329*cc*
....., ... berthing of passengers - - - - - 329*dd*
....., berths not to be removed till passengers landed - - - 329*ee*
....., hospital space - - - - - - 329*ff*
....., privies - - - - - - 329*gg*
....., light and ventilation - - - - - 329*hh*
....., boats, life buoys, anchors, night signals, and fire engines - - 329*ii*
....., manning. Appeal against emigration officer's judgment as to efficiency of crew - - - - - - - 329*jj*
....., articles prohibited as cargo and ballast - - - 329*kk*
....., horses and cattle carried under certain conditions - - - 329*ll*
....., carriage of naval and military stores - - - - 329*mm*
....., computation of voyages - - - - - 329*nn*
....., provisions and water to be surveyed. Equal quality for passengers and crew - - - - - - 329*oo*
....., emigration officer may mark and land bad provisions - - 329*pp*
....., water casks and tanks to be approved by emigration officer - 329*qq*
....., water to be taken in at intermediate ports - - - 329*rr*
....., dietary scale - - - - - 329*ss*
....., full issue of lime juice imperative only in tropics - - 329*tt*
....., soft bread may be substituted for other bread stuffs - - 329*uu*

Section.

EMIGRANT SHIPS, messes - - - - - 329*vv*
....., Board of Trade may authorise an alteration of dietary scale - 329*ww*
....., stewards - - - - - - 329*xx*
....., cook and cooking apparatus - - - - - 329*yy*
....., interpreters - - - - - - - 329*zz*
....., medical men - - - - - - 329 3*a*
....., ..., qualifications of - - - - - 329 3*b*
....., medicines and medical comforts - - - - - 329 3*c*
....., medical inspection of passengers and medicines - - 329 3*d*
....., re-landing sick passengers - - - 329 3*e*

..... *Passengers Rights* :
Return of passage money to sick passengers re-landed - 329 3*f*
Return of half passage money to sick cabin passengers relanded 329 3*g*
Subsistence money for passengers relanded - - 329 3*h*
Return of passage money, if contract broken - 329 3*i*
Subsistence money in case of detention - - 329 3*j*
Stores to be replenished when ship puts back, and report made to emigration officer - - - - - - 329 3*k*
Passengers rights in case of wreck or disaster off the coast 329 3*m*
Expenses of taking off passengers at sea - - 329 3*n*
Governors or consuls may send on shipwrecked passengers to destination, if master of ship fail to do so - - 329 3*p*
Expense so incurred a Crown debt - - - 329 3*r*
Insurance of passage monies not void on account of nature of risk - - - - - - - 329 3*s*
Passengers not to be landed except at destination - 329 3*t*
Passengers to be maintained 48 hours after arrival - 329 3*u*
Passengers right of action preserved - - - 329 3*v*

..... *Miscellaneous:*
Rules may be prescribed by Order in Council for health, cleanliness, and ventilation - - - - - 329 3*w*
Rules to be enforced by master and surgeon - - 329 3*x*
Copy of Passenger Act and abstract of Order in Council to be exhibited on board - - - - 329 3*y*
Sale of spirits prohibited - - - - 329 3*z*
Bond to Crown - - - - - 329 4*a*
Bond when owner resides abroad - - - - 329 4*b*
Counterpart of bond to be sent to colony - - 329 4*c*
In absence of agreement to the contrary, owner responsible for default in complying with Passenger Act - - 329 4*d*

..... *Passage Brokers:*
Passage broker not to act without licence - - 329 4*e*
Licence how obtained and forfeited - - 329 4*f*
Acts done under licences previous to Feb. 1856 valid - 329 4*g*
Passage brokers to appoint their agents in writing - 329 4*h*
Penalty on person fraudulently inducing others to engage passages 329 4*i*
Contract tickets to be given to cabin as well as other passengers 329 4*j*
....., penalty for altering or inducing to part with - 329 4*k*
....., summary remedy for breach of stipulations in - 329 4*l*
....., penalty for not producing - - - 329 4*m*
Emigrant runners, penalty for acting as or employing without licence and badge - - - - - 329 4*n*
....., licensing and registering - - - 329 4*o*
..... licence to be renewed annually - - 329 4*p*
....., penalties - - - - - 329 4*q*
....., how fresh badges may be obtained in cases of loss or mutilation - - - - - 329 4*r*
..... not entitled to commission from passage broker unless acting with his authority, nor from emigrants - 329 4*s*
..... list of, to be exhibited and sent to emigration officer 329 4*t*
Dock trustees may make byelaws for landing and embarkation of emigrants, and for licensing emigrant porters - 329 4*u*

Section.

EMIGRANT SHIPS :

..... *Penalties and Procedure :*

Penalty for falsifying documents to obtain passages, &c. - 329 4*v*
Extension of penalties in connection with application for assistance to emigrate - - - - - - - 329 4*w*
Penalties and compensation monies, by whom to be recovered - 329 4*x*
Tribunal for offences - - - - - - - 329 4*y*
Police and stipendiary magistrate, and sheriffs in Scotland, to have same power as justices - - - - 329 4*z*
No objection to be allowed or conviction quashed for want of form - - - - - - 329 5*a*
Application of penalties - - - - - 329 5*b*
Burden of proof to lie on persons claiming exemption from Act - 329 5*c*
Proof of being emigration officer - - - 329 5*d*
Passengers not incompetent witnesses - - - 329 5*e*
Tender of amends - - - - - 329 5*f*
Limitation of actions against officers executing Act - - 329 5*g*
..... legal proceedings generally - - - 329 5*h*

..... *Colonial Voyages :*

Colonial voyages defined - - - - - 329 5*i*
Extension of Passenger Act to - - - - 329 5*j*
Governors may proclaim length of, and prescribe dietary scale, proclamation to be evidence - - - - 329 5*k*
Survey of ships and appointment of surgeons in colonies - 329 5*l*
Governor-General in India may adopt Passenger Act - - 329 5*m*

..... *Voyages to the United Kingdom :*

List of passengers brought to the United Kingdom to be delivered to emigration officer - - - - - 329 5*n*
Number of passengers limited as in ships from the United Kingdom - - - - - - - 329 5*o*
Same provisions and water as for ships from the United Kingdom - - - - - 329 5*p*
Schedules to be part of Passenger Act - - - 329 5*q*

EMIGRATION COMMISSIONERS, power and duties of, transferred to Board of Trade - - - - - - - - 329*k*

EMIGRATION OFFICER, Board of Trade to appoint in United Kingdom, governors in colonies - - - - - - - - 329*l*
....., duties of, to be performed in certain cases by customs officers - 329*m*
....., facilities to inspect any ship - - - - 329*n*
....., no passenger (emigrant) ship to clear without certificate from - 329*o*
....., appeal against judgment of, as to efficiency of crew - - 329*p*
..... may declare length of voyages in certain cases - - 329*nn*
....., provisions and water to be surveyed by - - - 329*oo*
..... may mark and land bad provisions - - - - 329*pp*
..... to approve water casks and tanks - - - - 329*qq*
....., ships putting back to be reported to - - - - 329 3*k*
....., penalties to be sued for by - - - 329 4*x*
....., proof of being - - - - - 329 5*d*

EMIGRANT RUNNER, definition of - - - - - 2
....., penalty for acting without license and badge - - - 329 4*n*
....., mode of licensing - - - - - 329 4*o*
....., licenses to be renewed annually - - - - 329 4*p*
....., penalty for using badge not lawfully issued to them - - 329 4*q*
....., how fresh badge obtained in case of loss or mutilation - - 329 4*r*
..... not entitled to commission from passage broker unless acting by his authority - - - - - - - 329 4*s*
..... not to take fee from emigrant - - - - - 329 4*s*
....., list of, to be exhibited by broker and sent to emigration officer - 329 4*t*

ENDORSEE, rights under bills of landing to vest in consignee or - - 548*f*

ENGAGEMENT AND DISCHARGE OF SEAMEN, shipping offices to superintend and facilitate - - - - - - 124

Section

ENGAGEMENT AND DISCHARGE OF SEAMEN, fees to be paid - - 125
....., part of fees to be deducted from wages of seamen - - 126
....., Board of Trade may license persons for the - - - - 146
..... (holding running agreements) before termination of agreement - 152
....., provisions relating to, may be extended to foreign ships by Order in Council - - - - - - - - 176a
..... in colonies - - - - - 159

ENGINE ROOM, allowance for, in taking tonnage measurement - - 23
..... in steamers measured before 1854, power to remeasure by old rules, if improperly extended - - - - - 28

ENGINEERS, steamships to carry certificated - - - - 140a
..... certificates of competency, examinations for - - - 140b
....., fees for examinations - - - - - - - 140c
....., certificates of competency to be granted to, on passing examination - 140d
....., Board of Trade may hold examinations at mercantile marine offices established by them - - - - - - - 130a
....., certificates of service to be given on proof of certain service - 140e
....., certificates, certain provisions of Merchant Shipping Act, 1854, relating to masters and mates certificates, to apply to - - - - 140f
....., power of Board of Trade and local marine boards to investigate conduct of certificated - - - - - - 241a
....., certificates, cancellation or suspension of, to rest with court which hears case - - - - - - - - - 242a
....., colonial certificates - - - - - 140g
..... certificate, declaration of engineers surveyor to contain information concerning - - - - - - - - 309a

ENGINEER SURVEYORS, Board of Trade to appoint - - 305
....., power to survey passenger steamers - - - - - 306
....., passenger ships to be surveyed by, and declarations to be given by - 309
..... to fix limit of weight on safety valve - - - - - 309
..... declaration of, to contain information concerning engineers certificates 309a

ENGINEERING ASSESSOR. *See* Assessor.

ENTRY, definition of - - - - - - - 2

EQUIPMENT of steamships.—Safety valves; adjustment of compasses; fire-hose; signals of distress; and shelter for deck passengers - - 301

EQUITIES not excluded by Merchant Shipping Act, 1854 - - 43a

EVIDENCE, penalty for witnesses refusing to give - - - - 15
....., documents signed or sealed by secretaries of Board of Trade to be received in - - - - - - - 7
..... required before granting certificate of registry - - - 40
....., power to registrar to dispense with declarations and oaths in certain cases - - - - - - - - 97
....., copies of registers and declarations admissible in - - - 107
....., copies of certificates of masters and mates certified by Registrar-General of Seamen to be primâ facie - - - - 138
...., statement of change of crew by master of foreign-going ship admissible in - - - - - - - - 158
....., release for wages to be - - - - - 175
....., Board of Trade orders, &c. under Seamen's Fund winding-up, published in Gazette, to be - - - - - - 180 3a
....., report of examination of provisions and water complained of to be, if produced by Board of Trade - - - - - 221
....., entries of offences in official log to be - - - - 244
....., copies of entries and certificates of desertion admissible in - - 249
....., reports of naval courts to be received in - - - 265
....., depositions admissible in, when witness cannot be produced - 270
....., certified copies of documents given by Registrar-General of Seamen admissible in - - - - - - - - 277
....., entries in official log admissible in - - - - 285
....., proclamation of Colonial Governor as to dietary scale, medicines, &c. for emigrants, to be received in - - - - - 329 5k

Section.

EVIDENCE, original or certified copies of receiver of wrecks examination as to ship in distress to be received in - - - - - 449
..... of shipment, bills of lading in hands of consignee to be - - 548n

EXAMINATIONS for masters and mates certificates to be held by local marine boards - - - - - - - 131
...., power of Board of Trade over - - - 132
...., fees for - - - - - - 133
...., certificates of competency to be granted to those who pass 134
..... of masters, mates, and engineers, Board of Trade may hold, at mercantile marine offices - - - - - - 130a
.... where there are no local marine boards - - 131a
..... for engineers certificates - - - - - - 140b
...., fees for - - - - - - 140c
...., certificates of competency to be given to those who pass - 140d
..... for pilotage certificates - - - - - 340
...., pilotage authority refusing, Board of Trade to hold - 342
....., expenses of, to be paid out of Mercantile Marine Fund - - 418

EXAMINERS for masters and mates certificates, local marine board to appoint - - - - - - - - - 131
.... to have certificates of qualification from Board of Trade - 132
..... for engineers certificates, to be appointed by Board of Trade - 140b

EXEMPTIONS FROM COMPULSORY PILOTAGE. *See* Pilotage.

F.

FALSE LIGHTS, general lighthouse authorities may prohibit - - 415
....., power to extinguish - - - - - - 416

FALSE REPRESENTATION. *See* Forgery.

FEES under Part II. of Merchant Shipping Act, 1854, application of - 95
.... Parts III. and IV. of Merchant Shipping Act, 1854, application of - - - - - - - - 11
..... for inspection of register books - - - - 92
..... at shipping offices for engagement and discharge of seamen - 125
....., such, to be deducted from seamen's wages - - - 126
..... for binding apprentices - - - - - 141
..... for examinations for masters and mates certificates - - 133
.... engineers certificates - - - - - 140c
..... on running agreements - - - - - 154
..... for medical inspections to go to Mercantile Marine Fund - - 228c
....., Board of Trade to fix, for surveys of alleged unseaworthy ships - 243a
.... for inspection of documents at seamen's registry office - 277
..... for licensing testing machines for chain cables and anchors to go to Mercantile Marine Fund - - - - - - 294k
..... for surveys of passenger steamers - - - - - 305a
....., penalty on surveyor's receiving unlawfully - - - - 308
..... for certificates for passenger steamers - - - - 314
..... for pilotage certificates for home-trade passenger ships - - 355
..... (except fines) under Parts III. and IV. of Merchant Shipping Act, 1854, to go to Mercantile Marine Fund - - - - 417
..... for licences under Chain Cables and Anchor Acts to go to Mercantile Marine Fund - - - - - - - - 417a
..... to receivers of wreck - - - - - 455
...., application of - 457
....., old receivers may keep - - - - - 455b

FELONY, forgery of entry in register book - - - - - 101
....., issuing money order with fraudulent intent - - - 179
....., stealing from ship in distress - - - - - 478a
....., selling wreck in foreign port - - - - - 479
....., stealing from ships in harbours, docks, wharves, &c. - 548t

FINES paid to Board of Trade, application of - - - - 11
..... to be deducted from seamen's wages - - 256

Section.

FIRE-ENGINES, emigrant ships to carry - - - - 329*ii*

FIRE-HOSE, steamships to be provided with - - - 301

FISHING BOATS, extension of Part III. of Merchant Shipping Act, 1854, to - - - - - - 109*a*

FISHERMEN, agreements with, for remuneration by share of profits - 149*b*

FLAG for pilot boats - - - - - - 346
....., pilot to display, though not in pilot boat - - - - 347
....., penalty for ordinary boat displaying pilot - - - - 348

FOG SIGNALS. *See* Rules for preventing Collisions at Sea.

FOREIGN character, penalty for assumption of - - - - 103
..... country, rules for preventing collisions at sea when adopted by, may apply to its ships on high seas - - - - - 291*b*

FOREIGN-GOING SHIPS, definition of - - - - - 2
..... not to go to sea without certificated master and mates - - 186
....., certificates (master and mates) for, available for home-trade passenger ships, but not vice versâ - - - - 137
....., apprentices for, to be brought before shipping master - - 141
....., rules respecting agreements with seamen for - - - 155
....., making short voyages may have running agreements - - 150
.... engagement and discharge of seamen before termination of running agreement - - - - - 152
...., duplicates of running agreements, how dealt with - 153
...., fees on running agreements - - - 154
....., changes in crew to be reported - - - - 158
....., rules as to production of agreements and master and mates certificates - - - - - - 161
....., discharges from, to be made before shipping master - - 170
....., with more than 100 persons on board, to carry medical practitioner - 230
....., lists for, to be delivered to shipping master on arrival - - 274
....., trading to and from port of London, pilotage dues for - - 381
...., collector of Customs to give receipt for pilotage dues - 382
...., application of dues by Trinity House - - - 383

FOREIGN GOODS found derelict to be subject to importation duties - 499

FOREIGN PORTS, may be declared ports of registry, by Order in Council - 33*a*
....., seamen engaged in, to be shipped before consul - - - 160
....., offences at, within Admiralty jurisdiction - - - 267
....., agreements, indentures, &c. to be delivered to consul on arriving at 279
..... penalty for selling wreck in - - - - - - - 479

FOREIGN SHIPS belonging to countries adopting rules for tonnage measurement need not be remeasured in this country - - - - 29*b*
....., placed on British registry, rules as to names of - - - 34*c*
....., provisions relating to engagement and discharge of seamen may be extended by Order in Council to - - - - - - 176*a*
..... in British jurisdiction subject to rules for preventing collisions at sea 291*a*
..... on high seas, regulations when adopted by foreign countries may apply to their - - - - - - - 291*b*
..... on High Seas, provisions for salvage of life extended to, when country consents - - - - - - - 458*b*
....., sale of unproved chain cables and anchors to, prohibited - - 294*w*
....., consul-general of country to be deemed agent of owner in case of wreck of - - - - - - - - 498*d*
..... which has done damage, power to arrest - - - - 527
....., power to detain, in certain cases, before application made to judge - 528
....., who is to be defendant - - - - - - 529
..... engaged in coasting trade, subject to same rules as British ships - 547*g*
.... not to be subject to higher rates than British ships - 547*h*

FORFEITURE of ship, for undue assumption of British character, unqualified ownership, and false declaration of ownership - - 103
.... (emigrant), sailing without emigration officer's certificate and bond to Crown - - - - - 329*q*

Section.
FORFEITURE of dangerous goods improperly sent - - 329e
..... of passage broker's license - - - - - - 329 4f
..... of wages, facilities for proving desertion so far as concerns - - 250
.... for cost of procuring imprisonment - - - 251
...., amount of, how ascertained when seamen contract for the voyage 252
...., application of - - - - - 253
...., questions of, may be decided in suits for wages - - 254
.... naval court may order - - - - - 268

FORGERY of Board of Trade seal, penalty for - - - - - 10
..... of entries in register book, a felony - - - - - 101
..... of certificate of competency and service, a misdemeanor - - 140
..... of report of character on discharge - - - - - 176
..... of declarations and certificates, a misdemeanor - - - 320
..... and false representation to obtain payment from Admiralty for alleged excess of expense in paying substitute for seamen volunteering into navy, penalty for - - - - - - 220
.... to obtain wages and effects of deceased seamen - - 203
.... to obtain pension from Merchant Seamen's Fund, punishment for - - - - - - - 180ww
..... and false representation to obtain deposits or interest in savings banks - - - - - - - - - 180g
.... in salvage cases - - - - - - 496

FORMS of instruments, Board of Trade to issue - - - - - 8
....., certain, exempt from stamp duty - - - - - 9
..... issued by Board of Trade, penalty for fraudulent alteration of - 10
...., penalty for not using - - - - - 10
..... of mortgage of ship or share - - - - - - 66
..... of certificates of mortgage and sale - - - - - - 79
..... of certificates of registry - - - - - - 44
..... of certificates of survey - - - - - - 36
..... of declarations of ownership - - - - 38, 39, 56, 58, 74
..... under Part II. of Merchant Shipping Act, 1854, Customs to supply and issue - - - - - - - 96
..... registrar not required to record instruments or transfers not on prescribed - - - - - - - - - 96a
..... of agreement with seamen - - - - - - - 149
.... (colonial ships) - - - - - - 149
..... for time agreements for home-trade passenger ships to be sanctioned by Board of Trade - - - - - - 162a
..... for allotment notes to be sanctioned by Board of Trade - - 168
..... of account of wages to be delivered by masters on discharge of seamen to be sanctioned by Board of Trade - - - 171
..... of release for wages to be sanctioned by Board of Trade - - 175
..... of report of character to be made by master on discharge of seamen to be sanctioned by Board of Trade - - - - - 176
..... of ship's lists to be sanctioned by Board of Trade - - 273
..... of official logs to be sanctioned by Board of Trade - - - 280
....., no objection allowed or conviction quashed for want of (Passenger Act) - - - - - - - - 329 5a
...., orders (Scotland) not to be quashed for want of - - - 542
....., proceedings relative to treatment of Lascars not to be quashed for want of - - - - - - - 544j
..... of complaint (Scotland) - - - - - - - 532

FREIGHT, right of wages not to depend on earning - - - 183
....., Bills of Lading Act not to affect claim for - - - 548g
....., lien for, to continue, after goods landed, if shipowner give notice - 548j
.... to be discharged on proof of payment - - - 548k
.... on deposit with warehouse owner - - - 548l
...., after 15 days deposit may be paid to shipowner if no notice to release given - - - - - - - 548m
...., course, if notice be given - - - - - 548n
...., after 90 days, goods may be sold by auction - - 548o
...., notice of sale to be given - - - - - 548p
...., application of monies arising from sale - - - 548q

Section.

FREIGHT, lien for, warehouse owners' rent and expenses 548r
.... protection - - 548s

FUNCTIONS of Board of Trade. *See* Board of Trade.
..... of naval courts - - 262

FUND. *See* Mercantile Marine Fund and Pilot Fund.

G.

GENERAL LIGHTHOUSE AUTHORITY. *See* Lighthouse Authority.

GENERAL REGISTER AND RECORD OF SEAMEN, establishment of 271

GIBRALTAR, lights, buoys, and beacons under Trinity House - - 389

GOODS, definition of - - - - - - - 2
....., dangerous. *See* Dangerous Goods.
..... *See* Delivery of goods and lien for freight.
....., perishable, may be sold immediately by receivers of wreck - - 453
....., taken in execution by Admiralty Court, claims to - - 543c
..... (foreign), found derelict subject to importation duties - - - 499
..... (foreign), saved from wrecks, to be forwarded to port of destination - 500
....., shipowner not liable for, in case of fire - - - - 503

GOVERNOR OF COLONY, definition of - - - - - - 2

H.

HARBOUR dues, ships and boats of general lighthouse authorities exempt from - - - - - - - - 431
..... master at Holyhead may be commissioned as justice of the peace - 519a
..... trustees, saving power of, under local Acts - - - 548v

HARBOURS AND RIVERS, rules under local Acts for preventing collisions to remain in force - - - - - - 299g
..... when no such rules exist, they may be made - - - 299h

HEALTH, articles dangerous to, prohibited as cargo or ballast - - 329kk
....., &c. in emigrant ships, rules for, may be prescribed by Order in Council - - - - - - - - 329 3w
...., surgeon and master to enforce rules - - 329 3x

HELIGOLAND, lights, buoys, and beacons in, under Trinity House - 389

HER MAJESTY'S SHIPS. *See* Navy.

HIGH SEAS, naval courts may be called for hearing complaints and investigating wrecks on - - - - - - - 260
....., regulations for preventing collisions at sea, when adopted by foreign country, may apply to its ships on - - - - - 291b
....., provisions as to salvage may be extended to ships of consenting foreign countries on - - - - - - 458b
....., persons charged with offences committed on, to be dealt with as if offences committed within jurisdiction of local Admiralty Court - 543xx
....., offences committed on, to be punished as like offences in England - 543yy
....., provision for trial for murder or manslaughter, when death only happens in colony or on - - - - - - 543zz

HOLYHEAD, harbour master at, may be commissioned as justice of the peace - - - - - - - - 519a

HOME TRADE SHIPS, definition of - - - - - 2
....., agreements with seamen for - - - - - - 155
..... belonging to same owner, special agreements - - - 156

Section.

HOME TRADE SHIPS, penalty for shipping seamen in, without agreement - 157
....., rules for production of agreements and certificates for - - 162
....., time agreements for - - - - - - 162*a*
....., discharge of seamen from, may be before shipping master - - 170
....., lists to be delivered half yearly - - - - - 275

HOME TRADE PASSENGER SHIP, definition of - - - 2
....., examinations of masters and mates for - - - - 131
....., certificate of competency for those who pass - - - 134
....., certificates of service for, to whom to be granted - - 135
..... not to go to sea without certificated master and mates - - 136
... . . certificates (masters' and mates') for foreign-going ships, available for - - - - - - - 137
.... to employ qualified pilots, unless masters or mates have pilotage certificates - - - - - - - 354
....., pilotage certificates for masters and mates of - - 355

HOSPITALS, space for, in emigrant ships - - - - - 329*ff*

HORSES AND CATTLE, carriage of, in emigrant ships - - 329*ll*

HULL TRINITY HOUSE, power to appoint sub-commissioners - - 387

I.

ILLNESS, medical attendance and subsistence, how to be defrayed - 228
....., through neglect of owner or master, seamen's expenses to be paid by owner - - - - - - - 228*a*
....., by seamen's default, wages forfeited during time of - - - 228*b*
....., injury or hurt, expenses in respect of, if paid by consul, to be recoverable from owner - - - - - - - 229
..... and injuries to be entered in official log - - - - 282

ILL USAGE endangering life, seamen not to sue for wages abroad, except in case of, or discharge - - - - - 190

IMPOSITION, protection of seamen from:—
Sale or charge on wages invalid - - - - - 233
No debt exceeding 5*s.* recoverable before end of voyage - - 234
Penalty for overcharging in lodging houses - - - 235
Penalty on lodging-house keepers for detaining seamen's effects - 236
No one to go on board without permission before final arrival of ship 237
Penalty for solicitations by lodging-house keepers - - 238

IMPRISONMENT, wages not to accrue during - - - - 186
..... for offences - - - - - - 243
....., deserters may be sent on board instead of - - - - 247
....., seamen under, may be sent on board before termination of sentence - 248
....., costs of, up to 3*l.*, may be deducted from wages - - - 251
....., naval court may direct cost of, to be deducted from wages - - 268
....., in default of payments decreed (Scotland) - - - 538

INABILITY, seamen discharged abroad for, wages to be paid at time - 209
....., ... wages to be subject to expenses of subsistence and passage home - - - - - - - 210

INCOMPETENCY of masters, mates, or engineers, Board of Trade may investigate alleged cases of - - - - - 241, 241*a*

INDIA, provisions of Merchant Shipping Act, 1854, if applied by Indian Government to their own ships, may be enforced throughout empire - 288
....., Government of Ceylon may regulate number of passengers carried in emigrant ships between Ceylon and - - - - 329*v*
....., Governor-General of, may adopt Passenger Act, 1855 - - 329 5*m*
....., Company (East), to supply necessaries for distressed Lascars, and recover from shipowner - - - - - - 544*l*
....., coasting trade of - - 547*d*

Section.

INDENTURES of apprenticeship exempt from stamp duty - - - 143
.... to be produced to shipping master before apprentices go to sea in foreign-going ships - - - - - 145
.... of boys bound by poor law guardians or overseers to be witnessed by two justices - - - - - - 142
.... to be delivered on arrival of ship at foreign port to consul, in colony to Customs officer - - - - - 279

INDIAN ACTS subject to disallowance, and require sanction - - 289
..... Orders in Council as to coasting trade to be published in London Gazette, and laid before Parliament - - - 547*e*
.... may be revoked - - - - - - 547*f*
..... Presidency, provisions for persons entitled to tried by supreme court of an - - - - 543*bbb*

INJURY OR HURT, expenses in respect of, if paid by consul, to be recovered from shipowner - - - - - - 229

INQUIRIES into causes of wreck and casualty - - - 432
.... before justices or stipendiary magistrates - - - 433
.... nautical and engineer assessors may be appointed by Board of Trade - - - - - - - 434
.... preference given to member of local marine board who is a stipendiary magistrate - - - - - - 435
...., costs of - - - - - 436
.... in Scotland - - - - - - 437
...., masters and mates may be required to give up certificates during - - - - - - - 438

INSPECTORS, Board of Trade may appoint - - - - 14
....., powers of - - - - - - 15
....., penalty for obstructing, in discharge of their duties - - - 16
..... of testing machines for chain cables and anchors, Board of Trade to appoint - - - - - - - 294*g*
...., remuneration of - - - - 249*j*
..... of lime juice, lime juice not to be sold without certificate from - 224*a*
....., medical, Local Marine Boards to appoint; when no Local Marine Board, Board of Trade to appoint - - - - 228*c*
....., Governor to appoint, in colonies - - - - 228*c*
..... of medicines, Local Marine Boards to appoint; when no Local Marine Board, Board of Trade to appoint - - - - 226

INSPECTION of register book on payment of fee - - - - 92
..... of seamen, medical - - - - - 228*c*
..... for enforcing regulations for preventing collisions at sea - - 299*f*

INSTRUCTIONS under Part II. of Merchant Shipping Act, 1854, to be issued by Customs - - - - - - 96
....., Board of Trade to sanction book of medical, for ships - - 224*a*

INSTRUMENTS, Board of Trade to issue forms of - - - 8
....., certain, to be exempt from stamp duty - - - 9
..... for sale, mortgage, or transfer of ship not in prescribed form, need not be recorded by registrar - - - - - 96*a*

INSURANCE of passage monies not to be void on account of nature of risk 329 3*s*

INSURANCES, limitation of invalidity of - - - - - 505*b*

INTERPRETERS for emigrant ships - - - - - 329*zz*

IRELAND, Commissioners of Irish Lights to manage lighthouses in - - 389
....., powers of Irish Chancery Court conferred by sections 62, 63, 64, and 65 of Merchant Shipping Act, 1854, extended to Admiralty Court in - 65*a*
....., powers of Irish Chancery Court under Part IX. of Merchant Shipping Act, 1854, extended to Admiralty Court in - - - 514*c*

IRISH LIGHTS, Commissioners of, to manage Irish lighthouses - 389, note
..... *See also* Lighthouse Authorities.

J.

Section

JURISDICTION (Admiralty) of county courts, extent of 189*b*, 477*a*, 543*s*, and note
.... of county courts may be exercised either in proceedings in rem or in personam - - - - - 543*ww* (note)
...., power of courts having, to apportion salvage - - 498
...., offences committed within - - - - - 520*a*
...., offences (Larceny Act) committed within - - - 520*b*
.... over ships lying off the coasts - - - 521
...., offences on board ship - - - 521*a*
...., offences by British subjects on board ship - - 521*b*
.... in colonies - - - - - - 543*xx*, 543*ccc*
..... of Admiralty Court over questions of ownership - - - 43*d*
.... claims for building, equipment, and repairs of ships - 43*b*
.... claims for necessaries supplied to ship - - - 43*c*
.... registered mortgages - - - - - 75*a*
.... claims for wages - - - - - 189*a*
.... salvage cases - - - - - - 476
.... claims for damage done by ship - - - 526*a*
.... claims for damage to cargo imported - - - 548*u*
.... in Scotland - - - - - - 543
..... of Chancery Court under Part IX. of Merchant Shipping Act, 1854, superior court may exercise - - - - - 514*a*
..... of pilotage authorities - - - - - 331
...., power of Board of Trade to transfer, by Order in Council - - - - - - 333*a*
.... failing to make returns to Board of Trade, to be transferred to Trinity House - - - - - 338

JUSTICES, seamen may sue for wages in a summary manner before two - 188
....., indentures of boys apprenticed by poor law guardians to be witnessed by two - - - - - - 142
....., magistrates and sheriffs in Scotland to have same powers under Passengers Act as two - - - - - 329 4*z*
....., formal investigations into cases of wreck or casualty before - 433
....., mode of settling salvage disputes by - - - - 461
..... may call for documents and administer oaths in salvage disputes - 463
....., appeal in salvage disputes to Admiralty Court from decision of - 464
..... to transmit copy of proceedings and certificate of valuer to court of appeal - - - - - - - - 465
..... may decide disputes as to title to unclaimed wreck - - 472
....., appeal from decision of, to Board of Trade - - - 473
....., sheriffs in Scotland to act as - - - - - 501
....., stipendiary magistrate to have same power as two - - 519

L.

LADING. *See* Bills of Lading.

LASCARS, &c., contracts with - - - - 544 and 544*a*
....., penalty for leaving, destitute in United Kingdom - - - 544*b*
....., relief of destitute - - - - - 544*c*
....., rules as to supply of provisions, &c. to, and for bringing back - 544*d*
....., lists of, to be given before ship admitted to duty - - - 544*f*
....., penalty for breach of rules as to - - - - 544*g*
....., recovery of penalties - - - - - 544*h*
..... convicted of vagrancy to be shipped home - - - 544*i*
....., proceedings not to be quashed for want of form - - - 544*j*
....., actions to be commenced within three months - - - 544*k*
....., East India Company to supply necessaries for distressed, and recover from shipowner - - - - - - - 544*l*

LASTAGE AND BALLASTAGE DUES received by Trinity House to go to Mercantile Marine Fund - - - - - 417

LAWS, conflict of - - - - - - 290

Section

LEAVE, absence without - - - - - - - - 243
...., quitting without, before ship is secured - - - - 243
....., persons shipping without, subject to same penalties for breach of discipline as crew - - - - - - - - 245

LEGAL PROCEEDINGS, limitation of, under Passengers Act - - 329 5*h*

LEGAL PROCEDURE, punishment of offences and recovery of penalties - 518
....., 20 & 21 Vict. c. 43. s. 3. not to apply to Board of Trade - - 518*a*
....., stipendiary magistrate to have same power as two justices - 519
....., offences, when deemed to have been committed - - - 520
....., offences committed within Admiralty jurisdiction - - - 520*a*
....., offences (Larceny Act) within Admiralty jurisdiction - - 520*b*
....., restrictions on proceedings in Admiralty Court or superior court - 520*c*
....., jurisdiction over ships lying off the coasts - - - 521
.... in cases of offences on board ship - - - - 521*a*
.... by British subjects on board ship - - - - 521*b*
....., service to be good if made personally on board ship - - 522
....., sums ordered to be paid leviable by distress on ship - - 523
....., application of penalties - - - - - - - 524
....., limitation of time in summary proceedings - - - 525
....., documents proved without calling attesting witnesses - - 526
....., claims for damage by any ship - - - - - - 526*a*
....., power to arrest foreign ship which has done damage - - 527
....., power to detain foreign ship before application made to judge of Court of Record or Admiralty Court - - - - - 528
....., who to be defendant in such cases - - - - - 529
....., Board of Trade may sue in name of its officers - - - 529*b*
....., mode of (liability of owner):
Board of Trade may direct proceedings in case of loss of life or personal injury - - - - - - 507
either party may require question to be tried by special jury - 508
provisions for conduct of proceedings by Board of Trade - 509
rules as to damages and appropriation thereof - - - 510
party dissatisfied with statutory damages may bring his own action 511
Board of Trade declining to institute proceedings, individuals may bring action - - - - - - - - 512
proceedings of Board of Trade after refusal - - - 513
proceedings in case of several claims on owner - - - 514
superior court may exercise same jurisdiction as Chancery Court under Part IX. of Merchant Shipping Act, 1854 - - 514*a*
Power of Chancery Court under Part IX. of Merchant Shipping Act, 1854, extended to Admiralty Court in England and Ireland - - - - 514*b*, 514*c*
money paid for damages, how to be accounted for between part owners - - - - - - - 515
under Seamen's Fund Winding-up Act same as under Mercantile Marine Act, 1850 - - - - - - 180 3*b*
..... (Scotland), offences punishable as misdemeanors - - - 530
...., summary proceedings - - - - - 531
...., form of complaint - - - - - 532
...., mode of requiring appearance of defenders and witnesses - 533
...., backing arrestments - - - - - - 534
...., compelling attendance of witnesses - - - 535
... ., proceedings to be vivâ voce - - - - - 536
...., power to adjourn proceedings - - - - 537
...., sentences to be in writing - - - - - 538
...., sentence and penalties in default of defender's appearance - 539
...., warrant to apprehend in default of appearance - - - 540
...., backing sentences and decrees - - - - 541
...., orders not to be quashed for want of form - - - 542
...., general rules to extend to penalties and proceedings - - 543

LEGISLATURE, definition of - - - - - - - - 2

LIABILITY of persons beneficially interested in ship or share as well as registered owner - - - - - - - 100

Section.

LIABILITY of officers for detention of ship - - - - 104
..... of ship not recognized as British - - - - - 106
..... for light dues - - - - - - 400a
..... for pilotage dues - - - - - - 363
..... of Trinity House pilots limited - - - - - 373
..... of shipowner, limitation of, in respect of certain articles - - 503
.... when pilotage is compulsory - - - - 388
...., provision for separate losses - - - - 506
...., proof of passengers on board - - - - 506b
.... in case of loss of life or personal injury, Board of Trade may direct proceedings - - - - - - - 507
...., provision for conduct of proceedings by Board of Trade - 509
...., Board of Trade declining to institute proceedings, individual may bring action - - - - - - - 512
...., proceedings by Board of Trade after refusal - - - 513
...., either party may require question to be tried by special jury - 508
...., rules as to damages and application thereof - - - 510
...., party dissatisfied with amount of statutory damages may bring his own action - - - - - - 511
...., proceedings in case of several claims on owner - - 514
...., jurisdiction of superior court of common law - - - 514a
...., money paid for damages, how to be accounted for between part owners - - - - - - 515
...., of owners of foreign ship doing damage - - - 529
...., of masters and seamen as owners or part owners - - 516

LICENCES for engagement of seamen - - - - - 146
....., penalty for shipping seamen without Board of Trade - - 147
.... for supplying seamen without - - - - - 147
..... (passage brokers) - - - - - 329 4e
...., how obtained and forfeited - - - - 329 4f
...., acts done under, before February 1856, valid - - 329 4g
..... (emigrant runners) - - - - - - 329 4n
...., mode of granting - - - - - 329 4o
.... to be renewed annually - - - - 329 4p
..... (pilotage), Board of Trade by Order in Council may enable existing authorities to grant - - - - - - - 333a
...., power to pilotage authorities to make rules as to - - 333
...., for pilot boats - - - - - 345
...., number of, to be painted on bows of pilot boats - - 346
...., for pilots - - - - - - 349
...., qualified pilot to produce, to employer - - - - 351
...., to be delivered up when required, and returned on death - 352
...., pilotage authorities may grant special sea - - - 352a
...., for Trinity House pilots - - - - - 370
...., (Trinity House pilots), continuance and renewal of - - 374
...., power to Trinity House to suspend and revoke - - - 375

LICENSED TESTING MACHINES, limitation of corporations entitled to have - - - - - - - 294d
...., public bodies to purchase existing, before establishing new - 294e
...., advances from Public Works Loan Commissioners for establishing 294f

LIFE. *See* Loss of life.
....., salvage of, provisions as to, may be applied on high seas to ships of consenting foreign countries - - - - 458b
...., claims for, to have priority to other claims - - - 459
...., Board of Trade may make payment for, out of Mercantile Marine Fund, when there are no funds - - - - 459
...., mode of enforcing payment of - - - - 468

LIFE BOATS AND BUOYS, rules as to - - - - 292
...., penalties for not providing - - - - 293
...., ship not to be cleared without - - - - 294
...., power to Board of Trade to vary requirements as to - - 294a
.... for emigrant ships - - - 329ii

LIGHTHOUSE, definition of - - - - - 2

Section.

LIGHTHOUSE AUTHORITIES (General), Trinity House, Commissioners of Northern Lighthouses, and Commissioners of Irish Lights to be - 389
.... to control local authorities - - - - 394
...., lights, buoys, and beacons under local authorities to be inspected by - - - - - - 394a
...., local lights may be transferred to, in default of local body 395
...., dues to be levied by - - - - - 396
...., dues to be subject to revision - - - - 397
...., powers of, to alter and regulate dues - - - 398
.... to furnish tables and regulations of dues to customs - 399
...., light dues paid to, to be carried to Mercantile Marine Fund - - - - - - 403
.... power to, to erect and alter lighthouse, buoys, and beacons 404
...., power of Scotch and Irish, to be subject to approval of Trinity House, with appeal to Board of Trade - - - 405
...., sanction of Board of Trade, how obtained - - - 406
...., Trinity House to inform, of Board of Trade decision - 407
.... power to compel execution of work with Board of Trade sanction - - - - - - 408
...., local lights may be surrendered to - - - 413
.... may prohibit false lights - - - - 415
...., power to extinguish false lights - - - 416
...., establishments of, to be fixed by Order in Council - 420
...., power to commute pensions and grant superannuation allowance - - - - - - - - 420a, 421
...., estimates and accounts of, to be approved by Board of Trade - - - - - - - 422
...., no expenses allowed, except sanctioned by Board of Trade 423
...., property of, dues &c., exempt from rates and taxes - 430
.... ships and boats of, exempt from harbour dues - - 431
.... (Local), general lighthouse authority to control - - 394
...., lights, &c. under, to be inspected by general authority - 394a
...., local lights may be transferred to general authority in default of - - - - - - - - - 395
...., dues for local lights may be levied by Order in Council - 396a
...., application of dues, and account to be sent to Board of Trade by - - - - - - - - 403b
...., dues may be altered by Order in Council - - 403b

LIGHTHOUSES, BUOYS, AND BEACONS, management of, under Trinity House Commissioners of Northern Lighthouses and Commissioners of Irish Lights - - - - - - 389
...., Trinity House may inspect Scotch and Irish - - 392
...., Board of Trade may appoint, on complaint, persons to inspect - - - - - - 393
...., dues to be levied by general authorities for - - 396
...., application of dues, and accounts for - - 403
...., dues for, not to be sold or charged without consent of Board of Trade - - - - - - - 403a
...., power to general authorities to erect new, and alter - 404
...., power of Scotch and Irish authorities to erect and alter, to be subject to approval of Trinity House and appeal to Board of Trade - - - - - - - 405
...., dues to be fixed by Order in Council - - - 410
...., in Channel Islands, dues not to be levied without consent of States - - - - - - - 411
...., Lands Clauses Consolidation Acts, 1845, incorporated, and to apply to new - - - - - - 412
.... (Local) to be inspected by general authorities - - 394a
.... may be transferred to general authorities, in case of default of local bodies - - - - - - - 395
...., dues may be levied, by Order in Council, by local authorities for - - - - - - - - 396a
.... may be surrendered to general authorities - - 413

Section.

LIGHT DUES to be levied by general authorities - - - 396
....., subject to revision by Order in Council - - - - 397
....., power of general authorities to alter and regulate - - - 398
....., publication of tables and regulations of - - - - - 399
....., ship not to be cleared without receipt for - - - 400
....., liability for recovery of - - - - - 400*a*
....., power to consignees to retain, paid by them - - - 400*b*
....., power of distress on - - - - - 401
....., how to be paid over and accounted for - - - - 402
....., application of - - - - - 403
....., not to be sold or charged without Board of Trade's consent - - 403*a*
....., for new lighthouses by Order in Council - - - 410
..... not to be levied in Channel Islands without consent of States - 411
..... may be levied by local authorities by Order in Council - - 396*a*
..... under Part VI. of Merchant Shipping Act, 1854, to be carried to Mercantile Marine Fund - - - - - - - 417
..... (Colonial) to be fixed by Order in Council - - - 416*a*
.... not to be levied without consent of colonial legislature - 416*b*
...., mode of collecting - - - - - - 416*c*
.... to be paid to Paymaster-General - - - - 416*d*
.... to be applied to expenses of lighthouse for which levied - 416*e*
...., power to borrow money on security of - - - 416*f*
...., accounts to be kept, audited, and laid before Parliament - 416*g*

LIGHTHOUSE VESSELS, extension of Part III. of Merchant Shipping Act, 1854, to - - - - - - - - 109*a*

LIGHT AND VENTILATION of emigrant ships - - - 329*hh*

LIGHTS FOR SHIPS, rules concerning, for preventing collisions at sea - 299*a*
...., to be published - - - - - 299*b*
...., owners and masters bound to obey - - - - 299*c*
...., breaches of, wilful default - - - - 299*d*
...., liability for infringement of, in cases of collision - - 299*e*
...., inspection for enforcing - - - - - 299*f*
...., in harbours and rivers under local Acts to remain in force - 299*g*
...., when none exist, may be made - - - - 299*h*
...., foreign ships in British jurisdiction subject to - - 291*a*
...., when adopted by foreign country may be applied to its ships on high seas - - - - - - - 291*b*

LIME OR LEMON JUICE, provision for supply of - - - 224*a*
...., inspectors of, to be appointed by Board of Trade - - - 224*a*
...., for colonial ships - - - - - 227*b*
....., full issue in emigrant ships imperative only in tropics - - 329*tt*

LIMITATION of time for application for sale of ship by unqualified owner - 64
..... of time for mortgage and sale under certificate - - - 77
..... of actions against officers executing Passengers Act - - - 329 5*g*
..... of legal proceedings under Passengers Act - - - 329 5*h*
..... of invalidity of insurances - - - - - 505*b*
..... of liability. *See* Liability.
..... of time in summary procedure - - - - - - 525

LISTS (ships) to be made for all ships - - - - 273
.... for foreign going ships to be delivered to Shipping Master on arrival - - - - - - - - - 274
.... for home-trade ships, to be delivered half-yearly - - 275
.... to be delivered in duplicate before clearance of emigrant ship - 329*w*
...., cabin passengers to be included in - - - 329*y*
.... of passengers joining after clearance to be given - - 329*x*
.... of passengers brought to the United Kingdom - - 329 5*n*
..... of voters qualified to vote for members of local marine board - 112
...., triennial revision of - - - - - 113
...., registers to be produced, if required for - - 114
...., expences of, to be paid by Board of Trade - - 115
...., persons on revised, qualified to vote - - - 116

Section.

LIVERPOOL, Court of Passage at. *See* Court of Passage.

LOCAL ACTS, saving powers of harbour trustees, bodies corporate, &c. under - - - - - - - - 548*v*

LOCAL LIGHTHOUSE AUTHORITY. *See* Lighthouse Authority (Local).

LOCAL MARINE BOARDS, constitution of - - - - - 110
...., old - - - - - - - 110*a*
...., qualification of voters for members of - - - 111
...., list to be made of qualified voters - - - - 112
.... triennial revision of voters list - - - - 113
...., registers to be produced if required for triennial revision - 114
...., expenses of triennial revision to be paid by Board of Trade - 115
...., persons on revised list qualified to vote - - - 116
...., qualification of members of - - - - 117
...., errors in elections not to vitiate acts done by - - 118
...., minutes of proceedings of, to be kept, and reports and returns made to Board of Trade when required - - - 119
.... may determine number of quorum - - - - 119*a*
.... failing to discharge its duties, Board of Trade may assume them, or direct a new election - - - - - 120
...., Board of Trade, on complaint, may alter arrangements of - 121
.... establish shipping offices at - - - - - 122
...., shipping offices in sailors homes in London not to be under control of - - - - - - - 129
.... to hold examinations for masters and mates certificates - 131
.... to appoint examiners - - - - - - - 131
...., power of Board of Trade over examinations - - 132
...., examination of masters and mates when there are no - - 131*a*
.... to appoint inspectors of medicines at request of Board of Trade - - - - - - - - 226
...., power to investigate conduct of certificated engineers - - 241*a*
.... may appeal from pilotage authorities to Board of Trade - 336
...., stipendiary magistrate being member of, to hold inquiries into wrecks and casualties - - - - - - - 435
...., salaries and expenses of, chargeable on Mercantile Marine Board - - - - - - - - 418

LODGING-HOUSE KEEPERS, penalty for overcharges by - - 235
....., ... for detention of seamen's effects by - - - 236
....., ... for solicitations by - - - - - 238

LOG. *See* Official Log.

LORD OF MANOR entitled to wreck. Receiver to give notice of wreck to - - - - - - - - 454
..... (or Lady) in Part VIII. of Merchant Shipping Act, as regards Scotland, to include "heritable proprietor duly infeft" - - 501

LOSS of certificate (masters and mates), copy may be granted in case of - 139
..... of certificate of mortgage or sale, power of Customs in case of - 82
.... of registry, provision in case of - - - - - - 48
..... of money order, power to pay in case of - - - - 178
..... of life or personal injury, Board of Trade may direct proceedings (liability of owner) - - - - - - - 507
...., liability for not to exceed 15*l.* per registered ton - - 505*a*
..... of ship, certificate of registry to be delivered upon - - 53
...., ship's list to be sent home on - - - - - 276
...., official logs to be sent home on - - - - 287
...., notice of apprehended, to be given to Board of Trade - - 327*a*

M.

MACHINES. *See* Testing Machines.

MAGISTRATES, police and stipendiary, and sheriffs in Scotland, to have same powers as two justices, under Passengers Act - - 329 4*z*

Section.

MAN, ISLE OF, Commissioners of Northern Lighthouses to manage lighthouses, &c. in - - - - - - - 389

MANSLAUGHTER, when death only happens in colony or on sea, provision for trial - - - - - - - 548zz

MARINE FUND. *See* Mercantile Marine Fund.

MARINE STORES DEALERS, regulation for - - - - - 480
....., permit for cutting up cables required by - - - 481
....., permit to be advertised by, before cutting up cables - - - 482

MARRIAGE on board ship to be entered on ship's lists - - - 273
.... in official log - - - - - - 282

MARK. *See* Proof Mark.

MASTER, definition of - - - - - - - 2
..... may be required to produce ship's papers, &c. - - - 13
..... to produce certificate of registry before clearance - - - 19
....., name of, to be stated in declaration of ownership - - 38, 39
....., ..., must be entered on certificate of registry - - - 44
..... to deliver certificate to registrar on change of owner - - 45
....., change of, to be endorsed on certificate of registry - - 46
..... to make declaration of loss of certificate of registry - - 48
..... to deliver up provisional certificate of registry - - - 49
....., penalty on, for use of improper certificate of registry - - 52
..... to deliver up certificate of registry on loss of ship - - 53
..... may apply to consul for provisional certificate for ship becoming British at foreign port - - - - - - - 54
..... to declare national character of ship before clearance - - 102
....., penalty for concealment of British character and assumption of foreign character by - - - - - - 103
....., penalty for use of improper colours by - - - - 105
....., course to be pursued by, in taking apprentices - 141, 142, 143, 145
..... to enter into argreements with seamen - - - - 149
....., penalty on, shipping seamen without agreements - - 157
..... of foreign-going ship to report changes in crew - - - 158
..... to deliver account of wages on discharge of seamen - - - 171
..... to return certificates on discharge of mates - - - 172
..... to give certificates of discharge to seamen - - - - 172
..... to report on character of seamen on discharge - - - 176
..... and crew, shipping master may decide questions between - - 173
..... bound to produce ship's papers and give evidence before shipping master - - - - - - - - 174
....., claims for wages and disbursements by, within Admiralty jurisdiction 189
..... to have same remedies for wages as seamen - - - 191
..... to take charge of or sell effects of deceased seamen, and enter same with wages in official log - - - - - 194
....., penalty for not accounting for such effects - - - 195
....., penalty on, forcing seamen on shore - - - - 206
..... not to discharge or leave seamen abroad without a certificate from some functionary - - - - - - - - 207
....., proof of such certificate to be upon master - - - 208
..... compelled to bring home distressed seamen abroad, Board of Trade to pay expenses - - - - - - - 212
..... penalty for endangering ship, life, or limb - - - 239
....., power of Admiralty Courts to remove, and appoint new - - 240
..... may apprehend deserters without warrant - - - - 246
....., on change of, documents relating to ship to be handed over to successor - - - - - - - 259
..... can be superseded by Naval Court - - - - 263
....., naval court may report on conduct of - - - - 265
..... to give passage and subsistence to offenders and witnesses sent on board by consular officer - - - - - - - 268
....., to make lists for ships - - - - 273, 275
..... to send home lists in case of transfer or loss of ship - - 276
..... to deliver ship's papers to consul or customs officer on arriving at port - - - - - - - 279

Section.

MASTER to make and sign entries in official log - - - 282, 283, 284
..... to deliver logs to shipping master on arrival at port of destination - 286
..... to send home logs in case of transfer or loss of ship - - 287
....., penalty for not seeing that proper boats and lifebuoys are provided - 293
..... bound to obey rules for preventing collisions at sea - - - 299c
....., duties of, in case of collision - - - - - 299c
....., penalty for acting as pilot, or employing unlicensed pilot in Trinity House districts - - - - - 376
..... to report accidents to steamships - - - - 326
..... not liable, when pilotage compulsory - - - - 388
..... being owner, saving of liability of - - - - 516
..... of foreign ship to give security in case of damage - - - 527
..... may make contracts with Lascars as seamen - - - - 544
..... to deliver list of Lascars before admitted to entry - - - 544f
..... of emigrant ships to deliver up duplicate lists of passengers before clearance - - - - - - 329w
.... to deliver up list of passengers joining after clearance - - 329x
..... and Trinity House Pilots, settlement of differences between, as to ship's draught of water - - - - - 384
....., pension of, from Merchant Seamen's Fund, twice the rate of that of seamen - - - - - - - 180oo

MASTER AND MATES, examinations for certificates to be held at local marine boards - - - - - - - 131
....., power of Board of Trade over such examination - - - 132
....., fees for examination - - - - - - 133
....., certificates of competency to be granted to, who pass - - 134
....., examinations when there are no local marine boards - - 131a
....., Board of Trade may hold examinations at mercantile marine offices established by themselves - - - - - - 130a
....., certificates of service for - - - - - 135
....., no foreign-going ship or home-trade passenger ship to go to sea without certificated - - - - - 136
....., certificates of, for foreign-going ships available for home-trade passenger ships, but not vice versâ - - - - 137
....., Registrar-General of Seamen to record grants, suspension and cancellation of certificate of - - - - - 138
....., copy of certificate by Registrar-General to be primâ facie evidence of entries - - - - - - - 138
....., in case of loss of certificate, copy may be granted to - - 139
....., penalty for false representation to obtain certificates, forging, altering, fraudulently using or lending - - - - - 140
....., certain provisions of Merchant Shipping Act, 1854, relating to certificates of, to apply to engineers certificates - - - 140f
....., production of certificates by, of foreign-going ships - - 161
....., ... of home-trade ships - - - - - 162
....., Board of Trade may investigate cases of alleged incompetency and misconduct of - - - - - - - 241
....., Board of Trade may suspend or cancel certificates of - - 242
....., cancellation or suspension of certificate to rest with court which hears case - - - - - - - - 242a
....., Board of Trade to have power to return cancelled certificates, or shorter period of suspension, or grant new - - - - 242a
..... may be required to deliver up certificates during investigation into wreck and casualty - - - - - - - 438
....., colonial certificates for - - - - - 140g
..... of home-trade passenger ships, pilotage certificates for - - 355

MATES. *See* Masters and Mates.

MATE'S CERTIFICATE to be returned by master on discharge - - 172

MEASUREMENT OF TONNAGE. *See* Tonnage Measurement.

MEASURES. *See* Weights and Measures.

MEDICAL attendance in illness, how to be defrayed - - - 228
.... comforts for emigrant ships - - - - 329 3c

Section.

MEDICAL inspection of seamen - - - - - - 228c
.... of passengers in emigrant ships - - - 329 3d
..... inspector, Board of Trade may appoint - - - - 228c
...., governor to appoint in colonies - - - - 228c
..... practitioners, foreign-going ships having over 100 persons on board to carry - - - - - - - - 230
.... for emigrant ships - - - - - - 329 3a
...., qualifications of - - - - - 329 3b
.... colonial emigrant ships - - - - - 329 5k
..... stores - - - - - - - - 224a
.... penalty for selling, of bad quality - - - 227a

MEDICINES FOR SHIPS - - - - - - - - 224a
....., Board of Trade may call on Local Marine Board to appoint inspector of - - - - - - - - 226
....., penalty for selling, of bad quality - - - - - 227a
..... for emigrant ships - - - - - - 329 3d
...., (colonial) governors may proclaim - - - - 329 5k

MERCANTILE ASSESSORS, judge of county court with Admiralty jurisdiction may summon - - - - - 543z (note)
....., judge of county court with Admiralty jurisdiction may be assisted by - - - - - - - 543y, 543z

MERCANTILE MARINE FUND, accounts to be kept with Paymaster-General - - - - - - - - - 417
....., accounts of, to be audited by Commissioners of Audit - - 428
....., ..., to be laid before Parliament - - - - 429
....., Treasury may pay money to, for erecting and repairing lighthouses, &c. - - - - - - - - - 424
....., Board of Trade may borrow money on credit of - - - 425
....., Public Works Loan Commissioners to advance money on credit of - 426

....., *to be carried to:—*
Fees under Parts III. and IV. of Merchant Shipping Act, 1854 - 11, 417
Fees for medical inspections - - - - 228c
Fees for licensing testing machines for chain cables and anchors - 294k
Light dues received by general lighthouse authorities - 403, 417
Fees received by receivers of wreck - - - 417, 457
Fees for lastage and ballastage in the Thames - - - 417
Fees under Chain Cables and Anchors Act - - - 417a
Fees for Board of Trade surveys - - - - 418a
Fees for emigration surveys - - - - 418a

....., *to be paid out of:—*
Medical inspectors - - - - - - 228c
Cost of survey of alleged unseaworthy ships - - - 243a
Stipendiary magistrate investigating cause of wreck and casualty - 435
Salaries and expenses connected with local marine board and shipping offices - - - - - - - 418
Salaries of surveyors and expenses connected with surveys of passenger steamships - - - - - - - 418
Expenses of general lighthouse authorities - - - 418
Existing debts and pensions, &c. of general lighthouse authorities - - - - - - - 418b
Contributions to expenses of establishments of general lighthouse authorities - - - - - - - 420
Pensions and commutation of pensions of general lighthouse authorities - - - - - - 420a
Ballastage and lastage expenses - - - - 418
Expenses connected with preservation of life from shipwrecks - 418
Rewards for saving life from shipwrecks - - - - 418
Expenses connected with receiver of wreck - - - - 418
Deficiency in Cinque Ports Pilot Fund - - - - 418c
Indemnification to Trinity House pilots - - - 418c
Salaries of Board of Trade surveyors - - - 418a
Salaries of emigration officers - - - - 418a

MERCANTILE MARINE FUND :

To be paid out of—cont. Section.

Expenses of Board of Trade under Chain Cables and Anchors Acts - - - - - - - 294*k*, 417*a*
Salvage for life, when there are no other funds - - - 459
Expenses incurred by Customs under Merchant Shipping Act, 1854 - - - - - - - 548

MERCANTILE MARINE OFFICES, shipping offices to be called - 122*a*
....., shipping master to be called superintendent of - - - 122*a*
....., power of Board of Trade to establish and hold examinations at - 130*a*
....., punishment for embezzlement in - - - - - - 127*a*
..... *See also* Shipping Offices.

MERCHANT SEAMEN'S FUND, Board of Trade to superintend winding up - - - - - - - - 180*k*
...., corporation and trustees to continue as long as necessary - 180*l*
...., Board of Trade may suspend and undertake functions of president, governors, and trustees - - - - - 180*m*, 180*n*
...., shipping master to receive contributions to - - - 180*o*
...., Board of Trade may regulate salaries and dismiss persons employed previously in distributing relief - - - 180*p*
...., no new officer to be appointed without sanction of Board of Trade - - - - - - - - - 180*q*
...., Board of Trade may require security from all officers - - 180*r*
...., all salaries to be submitted to Treasury - - - 180*s*
.... paid out of general fund - - - - 180*t*
...., one general fund to be formed - - - - - 180*u*
...., president, &c. to apply funds as Board of Trade direct - 180*v*
...., property held under special trusts - - - 180*w*
.... application of such property, if with consent of Board of Trade, no breach of trust - - - - - - - - 180*x*
...., president and governors, &c. to give accounts, &c. - - 180*y*
...., payments, &c. to be valid, but not to operate as release for breach of trust - - - - - - - - - 180*z*
...., no compulsory contributions for future - - - - 180*aa*
...., no fresh contributors allowed - - - - 180*bb*
...., old contributors allowed to continue contributions - - 180*cc*
...., time of commencement of new contributions - - - 180*dd*
...., rate of voluntary contributions for men discharged before shipping master - - - - - - - 180*ee*
...., ... not discharged before shipping master - - - 180*ff*
...., provision for case of men entering Navy - - - - 180*gg*
...., time for commencement of new pension - - - 180*hh*
...., until then, pensions may be granted as before - - - 180*ii*
...., aggregate pensions at each port not to exceed those of preceding years - - - - - - - - - - 180*ii*
...., present pensions not to be diminished - - - - 180*jj*
...., pensions not earned till after five years contribution - - 180*kk*
...., failure to contribute for three years an abandonment of right to relief - - - - - - - - - - 180*ll*
...., persons entitled to pensions - - - - - 180*mm*
...., pensions to be on one uniform scale - - - - 180*nn*
...., pension of masters twice the rate of seamen - - - 180*oo*
...., pensions may be commuted by Board of Trade, and gratuities given to widows - - - - - - - - 180*pp*
.... aggregate number of pensions in each port not to exceed average of last five years - - - - - 180*qq*
...., pension to be inalienable - - - - - - 180*rr*
...., Board of Trade may regulate right to relief - - - 108*ss*
...., president, governors, &c. to distribute relief - - - 180*tt*
...., Board of Trade to make regulations as to application for relief - - - - - - - - - 180*uu*
...., certificates, &c. under Act exempt from stamp duty and from fees to consuls - - - - - - - 180*vv*
...., punishment of forgery and personation - - - 180*ww*

Section.
MERCHANT SEAMEN'S FUND, accountant under Act - - 180*xx*
...., all persons engaged in administering Act to make return to Board of Trade - - - - - 180*yy*
...., general returns to be laid before Parliament - - - 180*zz*
.... orders, &c. (legal proceedings) published in London Gazette to be evidence - - - - - - 180 3*a*
...., procedure same as under Mercantile Marine Act - - 180 3*b*
...., property belonging to fund to be paid to consolidated fund - 180 3*c*
...., expenses of fund to be provided by annual vote - - - 180 3*d*
MESSES IN EMIGRANT SHIPS, size of - - - - - - 329*vv*
MILITARY STORES, carriage of, in emigrant ships - - - 329*mm*
MISCONDUCT endangering ship, life, or limb, a misdemeanor - - - 239
..... and incompetency of masters and mates, Board of Trade may investigate cases of - - - - - - - 241
..... of passengers in emigrant ships - - - - - 323*a*, 323*b*
MISDEMEANOR, an offence punishable by imprisonment not to exceed six months, or penalty not exceeding 100*l*. - - - 518
....., in Scotland, offence how to be prosecuted and punished - - 530
..... *See* Penalties and Punishments.
MONEY ORDERS to be issued by shipping masters - - - 177
....., power to pay when lost - - - - - - 178
....., penalty for issuing with fraudulent intent - - - - 179
MORTGAGE of ship or share, form of - - - - - - 66
.... to be recorded in register book - - - - 66
.... to be registered in order of time of production - - 67
...., discharge of, to be entered in register book - - - 68
...., priority of, according to date - - - - 69
...., transfer of - - - - - - 73
...., Admiralty Court to have jurisdiction in regard to registered - - - - - - - - 75*a*
MORTGAGE AND SALE of ship or share, power of, may be conferred by certificate from registrar - - - - - - 76
...., certificate of, requisites for - - - - - 77
...., ..., restrictions on - - - - - 78
...., ..., rules as to - - - - - - - 80
...., ..., power of Commissioners of Customs in case of loss of - 82
...., ..., revocation of - - - - - 83
MORTGAGEE not entitled to detain certificate of registry - - 50
....., interest of, to vest in person entitled on discharge of mortgage - 68
..... of ship or share not to be deemed owner - - - - 70
..... to have power of sale - - - - - - 71
....., rights of, not affected by bankruptcy of mortgagor - - - 72
..... name of transferee to be entered as - - - - - 73
....., transmission by death, &c. of interest of - - - - 74
..... under certificate, not affected by bankruptcy - - - 80
..... may have registry of ship transferred to another port - - - 89
....., name of, to be transferred with registry - - - - 90
....., transfer of register not to affect right of - - - - 91
MORTGAGOR, bankruptcy of, not to affect rights of mortgagee - - 72
MURDER, when death only happens in colony or on sea; provision for trial for - - - - - - - - - 548

N.

NAME of British ship to be marked on bows - - - - - 34*a*
...., rules as to - - - - - - - 34*b*
..... of foreign ships placed on British register, rules as to - - 34*c*
..... of ship, penalty for false statement as to last - - - 255
..... and address, penalty on passengers on steamers refusing to give - 324

Section.

NATIONAL character of ship to be declared before clearance - - 102
..... Debt, Commissioners for Reduction of, to receive deposits and pay interest for seamen's savings banks - - - - 180*d*

NAUTICAL ASSESSOR. *See* Assessor.

NAVAL COURTS may be summoned to hear complaints and investigate wrecks on high seas and abroad - - - - - 260
....., constitution of - - - - - - - 261
....., general functions and mode of action of - - - 262
....., powers of - - - - - - - 263
....., power to direct survey of ship - - - - - 243*b*
....., additional powers of - - - - - - 266*a*
....., orders of, to be entered in official log - - - - 264
....., report of proceedings of, to be sent to Board of Trade - - 265
....., penalty for preventing complaints, or obstructing investigation before 266

NAVAL RESERVE VOLUNTEERS, power to raise - - - 290*a*
...., term of service of - - - - - - 290*b*
...., training and exercise of - - - - - 290*c*
...., Her Majesty may order into actual service - - - 290*d*
.... to serve three years in Navy - - - - - 290*e*
.... to serve two extra years by proclamation, with extra pay - 290*e*
.... to be victualled as seamen in Navy - - - - 290*f*
.... exempted from serving in militia, or as peace or parish officer - 290*g*
.... eligible for Greenwich Hospital - - - - 290*g*
.... to be billeted as marines - - - - 290*h*
...., Admiralty to make regulations for payment for entry and re-entry - - - - - - - 290*i*
...., Admiralty to grant pensions to - - - - 290*j*
...., pensioners to join Navy in emergencies - - - 290*k*
...., Navy laws and customs applicable to - - - - 290*l*
...., Admiralty to make regulations as to manner of entering service - - - - - - - 290*m*
...., Admiralty may discharge - - - - 290*n*
...., Navy laws extended to, during exercise or service - - 290*o*
...., penalty for entering more than once - - - 290*p*
...., shipping master to supply information concerning - - 290*q*
...., enlistment of, into Indian forces, militia, &c., void - - 290*r*
...., penalty for selling to, or buying arms from - - 290*s*
...., penalty for not attending training or exercise - - 290*t*
.... not attending when called into service, to be punished as deserters from Navy - - - - - 290*u*
...., penalty for inducing, to absent themselves - - - 290*v*
...., recovery of penalties - - - - - 290*w*
...., appropriation of penalties - - - - 290*y*
...., summary jurisdiction for offences - - - - 290*x*
...., masters, mates, and engineers may be officers - - - 290*z*
...., power to Admiralty to enrol officers - - - 290*aa*
...., officers allowances and pensions, and widows pensions - - 290*bb*
...., continuance of officers already enrolled - - 290*cc*
...., rules as to officers - - - - 290*dd*
...., Admiralty may recommend officers - - - 290*ee*

NAVAL SALVOR. *See* Salvor (Naval).

NAVAL STORES, carriage of, in emigrant ships - - - 329*mm*

NAVY, ships of, exempted from provisions of Merchant Shipping Act, 1854 4
....., savings banks enactments extended to seamen in - - 180*a*
....., effects of seamen discharged from, dying in merchant ships on way home, to be disposed of by Accountant-General of Navy - - 204
....., seamen may leave their ships to volunteer into - - - 214
....., clothes to be delivered on seamen volunteering into; wages to be paid to Queen's officer for seamen - - - - 215
....., Admiralty may pay back to owner any wages advanced and not earned by seamen volunteering into - - - - 216

Section.

NAVY, owner may apply to Admiralty Court for any excess of expense in paying substitute for seamen volunteering into - - - 217
....., application for such excess of expense, how decided on and amount ascertained - - - - - - 218
....., Accountant-General to Navy to pay sum when ascertained - 219
....., penalty for forgery and false representation in support of application for such excess of expense - - - - - 220
....., wages of seamen volunteering into, to be entered in official log - 282
....., provision as to Merchant Seamen's Fund in case of seamen entering - 180*gg*
....., service of Naval Reserve volunteers in - - - 290 *e*
....., Naval Reserve volunteers to be victualled as seamen in - - 290 *f*
....., Naval Reserve pensioners to join in emergencies - - - 290*k*
..... law applicable to Naval Reserve pensioners - - - 290 *l*
....., no salvage claim allowed for loss or damage to ship or stores belonging to - - - - - - - 484
....., claims for salvage by officers of, not to be determined without consent of Admiralty - - - - - - - 485
....., steps to be taken when salvage services have been rendered abroad by ships of - - - - - - - 486

NEWCASTLE TRINITY HOUSE, power to appoint sub-commissioners - 387

NEGLECT of owner or master, seamen's expenses in case of illness through, to be paid - - - - - - - - 228*a*

NEGLECTING or refusing to go to sea, punishment for - - 243

NEW SOUTH WALES, Admiralty jurisdiction of supreme court preserved - - - - - - - 543 *aaa*

NORTH AMERICA, definition of - - - - 2

NORTHERN LIGHTHOUSES, Commissioners of, to manage lighthouses, buoys, and beacons in Scotland and Isle of Man - - - 389
...., incorporation of - - - - - - 390
...., power to elect new members - - - - 391
...., Trinity House may inspect lighthouses under - - - 392
...., power to erect and alter lighthouses subject to Trinity House approval sanctioned by Board of Trade - - - 404, 405
...., how Board of Trade sanction obtained - - - 406
...., Trinity House to inform, of Board of Trade decision - - 407
...., power to Trinity House, with Board of Trade's sanction, to compel execution of work - - - - - 08
...., how to obtain Board of Trade's sanction - - - 409
.... *See also* Lighthouse Authorities, General.

NOTES (Allotment), rules as to - - - - - - 168
.... may be sued for summarily - - - - 169

NUMBER denoting registered tonnage to be carved on main beam of every British ship - - - - - - 34*a*
..... of certificate of registry to be carved on main beam of every British ship - - - - - - - 34*a*
...., official, of British ship to be cut on main beam - - 34*a*

O.

OFFENCES of seamen, punishment of:—Desertion: Neglecting or refusing to go to sea: Absence within 24 hours before sailing: Absence without leave: Quitting without leave before ship is secured: Disobedience: Assault on officers: Combination to disobey: Wilful damage: Embezzlement: Smuggling causing loss to owners - - - 243
.... to be entered in official log - - - 244, 282
.... (British) at foreign ports to be within Admiralty jurisdiction - 267
.... on high seas, rules in respect of conveyance of offenders and witnesses to United Kingdom or colony - - - 268
....., of Naval Reserve Volunteers, summary jurisdiction - - 290*y*

Section.

OFFENCES under Chain Cables and Anchors Acts - - - 294*t*
..... under Passengers Act, tribunal for adjudicating - - - 329 4*y*
..... in respect of wreck:—
Plundering ship wrecked by tumultuous assembly - - 477
Stealing from ship in distress - - - 478, 478*a*
Obstructing saving of shipwrecked property - - 478
Secreting wreck - - - - - 478
Possession of shipwrecked goods without satisfactory reason - 478*b*
Offering shipwrecked goods for sale - - - 478*c*
Selling wreck in foreign ports - - - - 479
....., when deemed to have been committed (legal proceedings) - 520
..... commmitted within Admiralty jurisdiction - - - 520*a*
..... (Larceny Act) committed within Admiralty jurisdiction - 520*b*, 543*q*
..... on board ship, jurisdiction in case of - - - 521*a*
.... by British subjects - - - - - 521*b*
..... in Scotland punishable as misdemeanors - - - 530

OFFENDERS, naval courts may send home, for trial - - - 263
..... on high seas, conveyance of, and of witnesses to United Kingdom or colony - - - - - - - 268
.... brought to colony may be tried as if offence had been committed within local jurisdiction of Colonial Court - - - - 543*xx*
.... and punished as for like offences in England - - 543*yy*

OFFICERS of Customs. *See* Customs Officers.
..... of Naval Reserve. *See* Naval Reserve.

OFFICIAL LOG to be kept in form sanctioned by Board of Trade - 280
....., entries to be made as soon as possible after occurrence - - 281
..... entries how to be signed - - - - - 288
..... entries to be received in evidence - - - - 285
..... to be delivered to shipping master - - - 286
..... to be sent home in case of transfer or loss of ship - - 287
....., penalties for not keeping as required - - - 284
....., ... for not making entries in time and manner required - - 284
....., ... for wilfully destroying entry - - - 284
....., ... for false entry or omission to enter - - - 284
..... entries to be made in:—
Wages and effects of deceased seamen - - - 194, 282
Result of survey of provisions and water complained of - - 221
Refusal to take antiscorbutics - - - - 224*a*
Offences of seamen, with reply of offender when copy has been read to him - - - - - - - 244
Acts of misconduct for which seamen have been fined - - 256
List of documents handed over by master to his successor - 259
Orders made by naval courts - - - - 264
convictions, offences, punishments, conduct of crew, illness and injuries, marriages, names of seamen quitting ship, wages of men volunteering into Navy, sale of deceased seamen's effects - 282
Draught of water on going to sea - - - - 291*h*
Particulars to be entered - - - - 291*i*
Collisions - - - - - 282, 328

OFFICIAL NUMBER to be cut on main beam of ship - - - 34*a*

OPEN SHIPS, tonnage measurement of - - - - 24

ORDERS IN COUNCIL, who are to be registrars of shipping in colonies to be declared by - - - - - - 30*a*
....., certain foreign ports may be declared ports of registry by - - 33*a*
....., provision of Merchant Shipping Act, 1854, relating to engagement and discharge of seamen, may be extended to foreign ships by - 176*a*
....., supply of antiscorbutics to be regulated by - - - - 224*a*
..... rules as to health, &c. in emigrant ships may be prescribed by - 329 3*w*
....., copy of such, to be kept on board emigrant ships - - 329 3*y*
....., Trinity House may modify rule as to pilots not taking less than rate in force by - - - - - - 358*a*
....., pilotage byelaws to be published before asking for - 334

Section.

ORDERS IN COUNCIL, copy of, sanctioning pilotage byelaws, to be laid before Parliament - - - - - 335
....., pilot signals may be altered by - - - - - 348*b*
....., dues for local lighthouses may be levied by - - - 396*a*
....., dues for new lighthouses, buoys, and beacons to be levied by - 410
....., no power with respect to lights, buoys, and beacons in Channel Islands to be exercised by Trinity House without - - - 411
....., dues for colonial lighthouses to be settled by - - - 416*a*
....., ballastage rates to be approved by - - - - 419
....., establishments of general lighthouse authorities to be fixed by - 420
....., rules as to signals may be altered by - - - - 498*b*
....., effect of - - - - - - - 548*b*
..... may be limited in time and qualified - - - - 548*c*
..... may be revoked and altered - - - - - 548*d*
..... to be published in London Gazette - - - - 548*e*
..... (Indian) relating to coasting trade to be published in London Gazette, and laid before Parliament - - - - - 547*e*
.... may be revoked by Her Majesty - - - - 547*f*

ORDERS (Money) to be issued by shipping master - - - 177
...., power to pay, when lost - - - - - 178
...., penalty for issuing with fraudulent intent - - - 179
.... *See* Provisional Orders.
..... (sheriffs in Scotland) not to be quashed for want of form, and to be final - - - - - - - 542

OVERLOADING, inspection of ships suspected of - - - 291*c*

OWNER of goods, definition of - - - - - - - 2
..... of ship. *See* shipowner.

OWNERSHIP of British ships - - - - - 18
....., limitation of - - - - - - - 37
....., declaration of - - - - - - - 38
....., declaration of, by body corporate - - - - 39
....., Admiralty Court to decide questions as to - - - - 43*d*
....., change of, to be endorsed on certificate of registry - - 45
....., penalty for acquiring, if unqualified - - - - - 103
....., false declaration of, a misdemeanor - - - - 103*a*

P.

PASS granted to unregistered ship in certain cases instead of certificate of registry - - - - - - - 98

PASSAGE, definition of - - - - - - 2
..... (emigration), definition of - - - - - 2
..... *See* Court of Passage.

PASSAGE BROKERS (emigrants), license required by - - 329 4*e*
...., licenses for, how obtained and forfeited - - - 329 4*f*
...., acts done under licenses before February 1856 valid - - 329 4*g*
.... to employ no agents not appointed in writing - - 329 4*h*
.... list of emigrant runners employed, to be sent to emigration officer - - - - - - - - - 329 4*i*

PASSAGE MONEY to be returned to emigrants relanded - - - 329 3*f*
...., half, to be returned to sick cabin passengers relanded - - 329 3*g*
....., to be returned when passage not provided according to contract - 329 3*i*
....., insurance of, not to be void on account of nature of risk - - - 329 3*s*

PASSAGES in emigrant ships, penalty for fraudulently inducing to engage - 329 4*i*
...., penalty for falsifying documents to obtain - - - 329 4*v*

PASSENGER, definition of - - - - - - -
..... Acts, saving of - - - - - - 545
..... steamer, definition of - - - - - - 303
..... on board lost ship, proof of (liability of owner) - - - 506*a*

Section.
PASSENGERS in steamers, penalties for misconduct of - - 323*a*, 323*b*, 324
...., power to refuse or remove drunk, disorderly, or misconducting themselves - - - - - - 325
...., manner of apprehending offending - - - - 323*c*
...., shelter to be provided for deck - - - - 301
..... (emigrants) to be carried on two decks only - - - 329*r*
...., cabin, where to be carried, and number - - 329*r*[4]
...., rules as to number of, penalty - - - - 329*s*
...., between Ceylon and India, Government of Ceylon to regulate number of - - - - - 329*v*
...., Asiatic and African, governor of colonies may appoint a larger number of - - - - - 329*u*
...., duplicate lists of, required before clearance - - 329*w*
...., cabin, to be included in lists - - - - 329*y*
.... joining after clearance, list also required of - 329*x*
...., berthing of - - - - - - 329*dd*
.... berths not to be removed till landed - - 329*ee*
...., hospital, space for - - - - - 329*ff*
...., privies for - - - - - 329*gg*
...., light and ventilation for - - - - 329*hh*
.... boats, lifeboats, &c. - - - - - 329*ii*
.... articles dangerous to health of, not to be carried as cargo or ballast - - - - - 329*kk*
...., provisions and water for, to be surveyed by emigration officer - - - - - 329*oo*
...., dietary scale for - - - - - 329*ss*
...., size of messes - - - - - - 329*vv*
...., Board of Trade may authorise an alternative dietary scale for - - - - - 329*ww*
...., stewards for - - - - - - 329*xx*
...., cook and cooking apparatus for - - - - 329*yy*
...., interpreter for - - - - - 329*zz*
...., medical men for - - - - - - 329 3*a*
...., medicines for - - - - - 329 3*c*
...., medical inspector of - - - - 329 3*d*
...., relanding sick - - - - - 329 3*e*
...., return of passage money to sick, relanded - - 329 3*f*
...., return of half passage money to sick cabin, relanded - 329 3*g*
...., subsistence money to be paid to, relanded - - 329 3*h*
...., return of passage money to, if contract broken - - 329 3*i*
...., rights of, in case of wreck - - - - 329 3*m*
.... picked up at sea, payment of expenses of - - 329 3*n*
...., payment of expense of sending to destination shipwrecked 329 3*r*
.... not to be landed except at destination - - - 329 3*t*
.... to be maintained 48 hours after arrival - - 329 3*u*
...., right of action preserved to - - - - 329 3*v*
...., contract tickets to be given to all - - - - 329 4*j*
...., penalty for not producing contract ticket - - 329 4*m*
...., emigrant runners not to take money from, for providing passage - - - - - - - 329 4*s*
...., dock trustees may make byelaws for landing and embarking 329 4*u*
.... not incompetent witnesses - - - - 329 5*e*
...., list of, brought to the United Kingdom to be delivered to emigrant officer, penalty - - - - 329 5*n*
...., penalty for bringing to the United Kingdom a greater number of, than allowed in ships from the United Kingdom 329 5*o*
.... brought to the United Kingdom, same provisions and water as for those leaving the United Kingdom - - 329 5*p*

PASSENGER DECK, upper and lower, definition of - - - - 2

PASSENGER SHIPS, definition of - - - - - - 2
....., certificates of service for home trade - - - - 135
....., (home trade) not to go to sea without certificated master and mates - 136
....., ..., certificates (masters and mates) for foreign-going ships available for - - - - - 137

Section.

PASSENGER SHIPS (home trade) to employ qualified pilot unless master or mate have pilotage certificate - - - - 354
....., ..., pilotage certificate for master and mates - - - 355
..... *See also* Emigrant Ship.

PASSENGER STEAMERS, definition of - - - - 303
..... to be surveyed once a year - - - - - - 304*a*
....., Board of Trade to appoint surveyors for - - - 305
....., fees for surveyors of - - - - - 305*a*
....., duties of surveyors of - - - - - - 305*b*
....., surveyors to have power to inspect - - - - 306
....., Board of Trade to regulate mode of surveys of - - - 307
....., penalty on surveyors of, receiving fees unlawfully - - - 308
....., ... emigration surveyor receiving gratuity - - - 308*a*
....., owner of, to have surveys made by shipwright and engineer surveyors; surveyors to give declaration - - - - 309
....., declaration of engineer surveyor to contain statement concerning engineer's certificate - - - - - 309*a*
....., declarations to be sent to Board of Trade - - - 310
....., time of surveys and transmission of declarations - - - 311
....., declarations good for six months, but need not be made in April and October - - - - - - - 311*a*
....., Board of Trade to issue certificates for - - - - 312
....., Board of Trade to transmit duplicates to shipping master for owners 313
....., fees to be paid for certificate - - - - 314
....., period certificates are to be in force - - - - 315
....., Board of Trade may cancel certificates and require fresh declarations 316
....., copy of certificate to be placed in conspicuous part of ship - 317
..... may not go to sea without certificates - - - - 318
....., penalty for carrying more passengers than specified in certificate - 319
....., forgery of declaration or certificate a misdemeanor - - - 320
....., surveyors to make return of the build, &c., and owners and masters to give information for return - - - - - - 321
....., expenses of survey of, chargeable on Mercantile Marine Fund - 418

PAUPERS, rules to govern apprenticeship of - - - - 144

PAYMASTER-GENERAL, Mercantile Marine Fund to be kept by - 417

PENALTIES AND PUNISHMENTS:

Board of Trade:
Forgery of Board of Trade seal. (Misdemeanor) - - 10
Fraudulently altering Board of Trade forms. (Misdemeanor) - 10
Using form not sanctioned by Board of Trade. (10*l.*) - - 10
Printing, selling, or using forms purporting to be sanctioned by Board of Trade. (10*l.*) - - - - - 10
Board of Trade officials refusing to produce official log, &c. to (20*l.*) 13
.... refusing to allow official log, &c. to be inspected or copied by (20*l.*) - - - - - - 13
.... impeding muster of crew by (20*l.*) - - 13
.... refusing explanation concerning official log, ship, or crew to (20*l.*) - - - - - - 13
Misleading or deceiving authorised inquirer. (20*l.*) - - 13
Refusing to attend as witness when summoned by Board of Trade inspector. (10*l.*) - - - - - - 15
Witness refusing to answer or do what is required. (10*l.*) - - 15
Wilfully impeding inspector in his duties. (10*l.*) - - 16

British ships:
Allowing goods to be carried in engine space. (100*l.*) - - 23
Not marking ships as directed. (100*l.*) - - - 34*a*
Omitting to mark ship as directed with name and port, official number, and draught of water, or altering, effacing, &c. such marks. (100*l.*) - - - - - 34*a*
Breaking rules as to naming of ship. (100*l.*) - - - 34*b*
.... of foreign ship becoming British. (100*l.*) - 34*c*
False certificate by builder. (100*l.*) - - - 41

PENALTIES AND PUNISHMENTS—*cont.*

British ships—cont. Section.

Not having change of owners endorsed on certificate of registry. (100*l.*) - - - - - - 45
Masters not delivering up provisional certificate of registry. (50*l.*) - 49
Refusing on request to deliver up certificate of registry. (100*l.*) - 50
Using certificate of registry not legally granted. (Misdemeanor) - 52
Owner failing to give notice of ship lost or ceasing to be British, and to deliver up her certificate of registry. (100*l.*) - - 53
Obtaining certificate of sale, or exercising power of sale, when ship sold to unqualified person. (100*l.*) - - - - 81
Forgery of registry book or entry therein. (Felony) - - 101
.... certificate of surveyor or entry therein. (Felony) - 101
.... certificate of registry or entry therein. (Felony) - 101
.... declaration of ownership or entry therein. (Felony) - 101
.... bill of sale or entry therein. (Felony) - - 101
.... instrument or mortgage or entry therein. (Felony) - 101
.... certificate of mortgage or sale or entry therein. (Felony) - - - - - - - 101
Assumption of British character. (Forfeiture of ship) - - 103
Concealment of British character. (Misdemeanor) - - 103
Assumption of foreign character. (Misdemeanor) - - - 103
Unqualified ownership. (Forfeiture of ship) - - - 103
False declaration as to qualification for British ownership. (Misdemeanor) - - - - - - - 103
False declaration of ownership. (Misdemeanor) - - - 103*a*
Hoisting colours of Royal Navy or other improper colours. (500*l.* and forfeiture of colours) - - - - 105

Masters and seamen:

Shipping office officials taking remuneration other than legal fees for supply of seamen. (20*l.*) - - - - - 127
Embezzlement in Mercantile Marine Office - - - 127*a*
Masters, first, second, or only mates in foreign-going ships going to sea without certificates. (50*l.*) - - - - 136
Masters and first or only mate in home-trade passenger ships going to sea without certificates. (50*l.*) - - - - 136
Employing such masters and mates without certificates. (50*l.*) - 136
False representation to obtain certificates. (Misdemeanor) - 140
Forging or fraudulently altering certificate or official copies. (Misdemeanor) - - - - - - 140
Using forged, altered, cancelled, or suspended certificate. (Misdemeanor) - - - - - - - 140
Lending certificate. (Misdemeanor) - - - - 140
Not transmitting indentures of apprenticeship within seven days to Registrar-General of seamen or shipping master. (10*l.*) - 143
Not notifying within seven days assignment or cancellation of indenture, or death or desertion of apprentice, to Registrar-General or shipping master. (10*l.*) - - - - - 143
Not taking apprentices and indentures before shipping master before voyage in foreign-going ship. (5*l.*) - - - 145
Not entering name of apprentice, &c. on agreement. (5*l.*) - 145

Engagement:

Supplying seamen without a license. (20*l.* per man) - - 147
Employing unlicensed persons to engage seamen. (20*l.* per man) - 147
Receiving seamen illegally supplied. (20*l.* per man) - - 147
Receiving remuneration from seamen for finding him employment. (5*l.*) - - - - - - 148
Making false statement on a running agreement. (20*l.*) - - 152
Shipping seamen without duly executed agreement. (5*l.*) - - 157
Not reporting change in crew in foreign-going ship after engagements before final leaving. (5*l.*) - - - - 158
Shipping seamen in foreign port otherwise than through consul. (20*l.*) - - - - 160

PENALTIES AND PUNISHMENTS—*cont.*

Engagement—cont. Section.

Master of foreign-going ship failing to deliver agreement to shipping master within 48 hours after arrival. (5*l.*) - - 161

Master or owner of home-trade ship failing to deliver to shipping master half-yearly agreements. (5*l.*) - - - - 162

Fraudulently altering or making false entry or delivering false copy of agreement. (Misdemeanor) - - - - 164

Master failing to post up copy of agreement in accessible part of ship. (5*l.*) - - - - - - - 166

Discharge:

Master or owner of foreign-going ship discharging seamen otherwise than before a shipping master. (10*l.*) - - - - 170

Master failing to deliver, before discharging seamen, account of wages. (5*l.*) - - - - - - 171

Master failing to give a certificate of discharge. (10*l.*) - - 172

Master failing to return to mate on discharge his certificate. (20*l.*)- 172

Owner, master, &c. failing to appear before shipping master, or to produce log, &c. or any proceedings as to wages, claims, or discharge. (5*l.*) - - - - - 174

Making false certificate or report of character on discharge of seamen. (Misdemeanor) - - - - - 176

Forging or fraudulently altering such certificate of character. (Misdemeanor) - - - - - 176

Fraudulently using forged or altered certificate of character. (Misdemeanor) - - - - - 179

Wages, &c..

Fraudulently issuing money order. (Felony) - - - 179

Forgery or false representation to obtain deposit or interest in savings bank. (Penal servitude or imprisonment) - - 180*g*

Master failing to take charge of wages and effects of deceased seamen. (Treble the value or 50*l.*) - - - - 196

.... to make attested entries thereof in official log. (Treble the value or 50*l.*) - - - - - - 196

.... to deliver up such wages and effects, and to give account thereof as required by Act. (Treble the value or 50*l.*) - 196

Forging or altering, or making use of forged or altered document to prove a right to such wages and effects. (Misdemeanor) - 203

False evidence or representation to obtain such wages and effects. (Misdemeanor) - - - - - - 203

Leaving abroad:

Forcing on shore and leaving behind seamen before completion of voyage. (Misdemeanor) - - - - - 206

Master discharging seamen abroad without certificate of some functionary or two merchants. (Misdemeanor) - - - 207

Master leaving seamen abroad for inability, failing to deliver to functionary account of wages and to pay wages. (10*l.*) - 209

Master delivering a false account of wages. (20*l.*) - - 209

Master failing to give passage home to seamen shipwrecked or left abroad in distress. (100*l.*) - - - - - 212

Volunteering into Navy:

Stipulating in agreement to incur forfeiture or loss, if seaman volunteers into Navy. (20*l.*) - - - - 214

Master failing to give up clothes and effects of seamen volunteering into Navy. (20*l.*) - - - - - - 215

Forgery or false representation to obtain excess of expense for substitute for volunteer into Navy. (Misdemeanor) - - 220

Provisions, health, &c.:

Master not providing provisions and water and of sufficient quantity in lieu of those pronounced of bad quality (20*l.*) - - 221

Master not having the regulation medicines and anti-scorbutics on board. (20*l.*) - - - - - - 224*a*

PENALTIES AND PUNISHMENTS—*cont.*

Provisions, health, &c.—cont. Section.

Master not serving out anti-scorbutics. (5*l.*) - - - 224*a*
Master not entering in log refusal to take anti-scorbutics. (5*l.*) - 224*a*
Any other person than master or owner being in default. (20*l.*) - 224*a*
Master not keeping on board weights and measures. (10*l.*) - 225
Master going to sea without medical inspector's certificate as to medicine, &c. (20*l.*) - - - - - 226
Selling medicines, &c. of bad quality. (20*l.*) - - - 227*a*
Foreign-going ships carrying over 100 persons being without medical practitioners. (100*l.*) - - - - - - 230
Not affording prescribed crew space properly constructed and ventilated. (20*l.*) - - - - - 231*a*
Master failing to keep crew space free from goods. (20*l.*) - 231*a*
Master not allowing seamen to go ashore to make complaint. (10*l.*) 232

Protection from imposition:

Overcharging by lodging-house keepers. (10*l.*) - - 235
Detention of seamen's effects by lodging-house keepers. (10*l.*) - 236
Going on board before final arrival of ship without master's permission. (20*l.*) - - - - - 237
Solicitations from lodging-house keepers. (5*l.*) - - - 238
Taking seamen's effects out of ship without leave. (5*l.*) - - 238

Breach of discipline:

Misconduct endangering ship, life, or limb. (Misdemeanor) - 239
Refusing to do any lawful act to preserve life or limb. (Misdemeanor) - - - - - - - - 239
Master, mate, or engineer failing to deliver up certificate cancelled or suspended to Board of Trade. (50*l.*) - - - 242, 242*b*
Desertion. (Imprisonment and forfeiture of effects and wages) - 243
Neglecting to proceed to sea, or absence without leave. (Imprisonment and forfeiture of pay) - - - - - 243
Quitting ship without leave before ship properly secured. (Forfeiture of wages) - - - - - - - 243
Wilful disobedience. (Imprisonment and forfeiture of wages) - 243
Continued disobedience. (Imprisonment and forfeiture of wages) - 243
Assault on officers. (Imprisonment) - - - - 243
Combination to disobey. (Imprisonment) - - - 243
Wilful damage to ship. (Imprisonment) - - - 243
Embezzling or damaging stores or cargo. (Imprisonment) - 243
Smuggling causing loss to owner. (Re-imbursement of loss and forfeiture of wages) - - - - - - 243
Apprehension for desertion on insufficient grounds. (20*l.*) - 246
False statement by seamen as to name of last ship or his own name. (5*l.*) - - - - - - - 255
Master or owner refusing to pay to shipping master seamen's fines. (Six times the fine) - - - - - 256
Enticing to desert (10*l.*), and harbouring deserters (20*l.*) - 257
On stowaways. (20*l.* or imprisonment) - - - 258
Master superseded failing to deliver to his successor ship's documents. (100*l.*) - - - - 259

Naval Courts:

Obstructing a complaint or conduct of case in Naval Court. (50*l.* or imprisonment) - - - - - - 266
Master refusing to carry home offenders on high seas and witnesses. (50*l.*) - - - - - - - 268
Master failing to give offender on high seas into charge of police officer. (50*l.*) - - - - - 268

Registrations and returns:

Master failing to report births and deaths at sea. (5*l.*) - - 274*a*
Master of foreign-going ship failing to deliver to shipping master on arrival ship's lists. (5*l.*) - - - - - 274

PENALTIES AND PUNISHMENTS—*cont.*

Registrations and returns—cont. Section.

Master of home-trade ship failing to deliver to shipping master twice a year ship's lists. (5*l.*) - - - - - - 275
Master failing to send to shipping master at port of registry ship's lists or loss or transfer of ship. (10*l.*) - - - 276
Master arriving at foreign port failing to deliver agreements and indentures to consul. (20*l.*) - - - - - - 279
.... colonial port failing to deliver agreements and indentures to customs officer. (20*l.*) - - - - - 279

Official logs:

Master not keeping log as directed. (5*l.*) - - - 284
..... not making entries in due time. (5*l.*) - - - 284
Entering of occurrences previous to arrival more than 24 hours after arrival. (30*l.*) - - - - - 284
Wilful destruction or mutilation of, or rendering entry illegible in official log. (Misdemeanor) - - - - - 284
Wilfully making fraudulent entry or omitting to make entry in official log. (Misdemeanor) - - - - 284
Master of foreign-going ship neglecting to deliver official log to shipping master within 48 hours after arrival. (5*l.*) - - 286
Master of home-trade ship failing to transmit official log every half year to shipping master. (5*l.*) - - - - 286
Master failing to send official log to shipping master at port of registry on transfer or loss of ship. (10*l.*) - - - - 287

Naval Reserve Volunteers:

Seamen enrolling twice. (20*l.*) - - - - 290*p*
Master refusing information as to seamen belonging to. (5*l.*) - 290*q*
Enlisting into Indian forces or militia. (Imprisonment) - - 290*r*
Officer enlisting. (20*l.*) - - - - - 290*r*
Selling arms, &c. (3*l.*) - - - - - 290*s*
Buying arms, &c. from. (10*l.*) - - - - 290*s*
Not attending training or exercise. (20*l.*) - - - 290*t*
Not attending when called into service. (As for desertion for Navy) - - - - - - 290*u*
For inducing to absent themselves. (30*l.*) - - - 290*v*
Recovery of penalties - - - - - 290*w*
Appropriation of penalties - - - 290*y*

Safety and prevention of accidents:

Master for not recording draught of water on going to sea in official log. (20*l.*) - - - - - - 291*h*
For sending unseaworthy ships to sea. (Misdemeanor) - - 291*f*
Not providing boats and lifebuoys. (Owner 100*l.*, master 50*l.*) - 293
Losing by wilful negligence boats and lifebuoys. (Owner 100*l.*, master 50*l.*) - - - - - - 293
Wilful neglect to replace or repair boats and lifebuoys. (50*l.*) - 293
Not keeping boats and lifebuoys constantly fit for use. (50*l.*) - 293

Chain cables and anchors:

Stamping without authority of tester. (Misdemeanor) - - 294*t*
Selling do. wrongfully stamped. (Misdemeanor) - - 294*t*
Giving false certificate of test. (Misdemeanor) - - - 294*t*
Using unlicensed machine for testing. (100*l.*) - - 294*u*
Over 168 lbs. weight. Selling without being tested. (Misdemeanor) - - - - - - 294*x*

Rules for preventing collisions at sea:

For infringement of rules. (Misdemeanor) - - - 299*c*
Master neglecting to stay by other vessel after collision, and refusing to give name of vessel, and name of port of registry and port of destination. (Misdemeanor) - - - 299*i*

PENALTIES AND PUNISHMENTS—*cont.*

Build and equipment of steamships: Section.

Breaking rules as to safety valve. (Owner 100*l.*, master 50*l.*) - 301
Not having compasses properly adjusted. (Owner 100*l.*, master 50*l.*) 301
Not having fire hose on board. (Owner 100*l.*, master 50*l.*) - 301
Home-trade passenger steamships not having shelter for deck passengers. (Owner 100*l.*, master 50*l.*) - - - 301
Placing undue weight on safety valve. (100*l.*) - - - 302

Survey of passenger steamers:

Hindering surveyors going on board, or impeding them. (5*l.*) - 306
Surveyor receiving remuneration. (50*l.*) - - - 308
Owner failing to transmit surveyor's declaration to Board of Trade within 14 days after receipt. (10*s.* for every day's delay) - 310
Owner or master neglecting to deliver up certificate of survey on expiry, cancellation, &c. (10*l.*) - - - - 315
..... not placing duplicate certificate in conspicuous part of ship. (10*l.*) - - - - - - 317
Going to sea without certificate in conspicuous place. (Owner 20*l.*, master 100*l.*) - - - - - 318
Carrying a greater number of passengers than that allowed by certificate. (20*l.*) - - - - - 319
Wilfully making a false declaration or certificate. (Misdemeanor) 320
Refusing to give surveyor information for Board of Trade returns. (5*l.*) - - - - - 321

Misconduct by passengers on steamers:

Drunk or disorderly. (40*s.*) - - - - 323*a*
Molesting passengers. (40*s.*) - - - - 323*a*
Forcing way on board when ship full. (40*s.*) - - - 323*a*
Refusing to quit ship when full. (40*s.*) - - - 323*a*
Avoiding payment of fares. (40*s.*) - - - - 323*a*
Injuring steamer or molesting crew. (20*l.*) - - - 323*b*
Refusing to give or giving false name and address. (20*l.*) - 324
Owner or master not reporting accidents within 24 hours. (50*l.*) - 326
Owner not giving notice to Board of Trade of apprehended loss of ship. (50*l.*) - - - - - - 327*a*
Master failing to enter in official log any collision immediately after occurrence. (20*l.*) - - - - - 328

Carriage of dangerous goods:

Sending dangerous, unmarked, and without written notice. (100*l.*) 329*a*
(Agent if not suspecting, 10*l.*) - - - - 329*a*
.... (forfeiture of goods) - - - - 329*e*
Wilful misdescription. (500*l.*) - - - - 329*b*

Emigrant ships:

Emigration officer receiving gratuity. (50*l.*) - - 308*a*
Not giving emigration officers facilities to inspect any ship. (50*l.*) - 329*n*
Proceeding to sea without certificate of clearance from emigration officer. (Forfeiture of ship) - - - - 329*q*
For breach of rules as to carriage of passengers. (20*l.* to 500*l.*) - 329*r*
For carrying more passengers than proportion allowed. (5*l.* to 20*l.*) - - - - - - 329*s*
For not delivering duplicate lists of passengers. (5*l.* to 100*l.*) - 329*w*
For not giving list of passengers joining after clearance. (5*l.* to 50*l.*) - - - - - - 329*x*
On stowaways. (20*l.* or imprisonment) - - - 329*z*
For not complying with rules as to beams and decks. (5*l.* to 50*l.*) - 329*bb*
.... size and arrangement of berths. (5*l.* to 50*l.*) - 329*cc*
.... berthing passengers. (5*l.* to 50*l.*) - - 329*dd*
For removing berths before passengers landed. (5*l.* to 50*l.*) - - 329*ee*
For not providing hospital space. (5*l.* to 50*l.*) - - - 329*ff*
For not complying with rules as to privies. (5*l.* to 50*l.*) - - 329*gg*
.... light and ventilation. (20*l.* to 50*l.*) - - 329*hh*

PENALTIES AND PUNISHMENTS—*cont.*

Emigrant ships—cont. Section.

For not complying with rules as to boats and lifebuoys. (5*l.* to 50*l.*) 329*ii*
.... efficiency of crew. (50*l.*) - - - 329*jj*
Carrying articles dangerous to health, as cargo or ballast. (5*l.* to 300*l*). - - - - - - - 329*kk*
For breaking rules as to carriage of horses and cattle. (5*l.* to 300*l.*) - 329*ll*
.... naval and military stores. (5*l.* to 300*l.*) - 329*mm*
.... to provisions and water. (300*l.*) - - 329*oo*
For not landing or re-shipping provisions rejected by emigration officer. (100*l.*) - - - - - - 329*pp*
For breaking rules as to water tanks and casks. (50*l.*) - - 329*qq*
.... dietary scales. (50*l.*) - - - 329*ss*
.... messes. (50*l.*) - - - - 329*vv*
.... stewards. (5*l.* to 50*l.*) - - - - 329*xx*
.... cooks and cooking apparatus. (5*l.* to 50*l.*) - 329*yy*
.... interpreters. (5*l.* to 50*l.*) - - - 329*zz*
.... medical men. (20*l.* to 100*l.*) - - - 329 3*a*
On unqualified medical men. (10*l.* to 100*l.*) - - - - 329 3*b*
For breaking rules as to medicines and medical comforts. (5*l.* to 50*l.*) - 329 3*c*
.... medical inspector of passengers. (5*l.* to 100*l.*) - 329 3*d*
.... relanding of sick passengers. (Master 10*l.* to 200*l.*, passenger refusing to land 40*s.* for each day he remains) - 329 3*e*
For not getting fresh certificate when ship puts back for provisions (50*l.* to 100*l.*); not reporting return to emigration officer. (2*l.* to 20*l.*) - - - - - - - - 329 3*k*
For passengers refusing to leave damaged ship. (40*s.* or imprisonment) - - - - - 329 3*n*
For wrongfully landing passengers. (10*l.* to 50*l.*) - - - 329 3*t*
Not maintaining passengers 48 hours after arrival. (5*l.*) - - 329 3*u*
Passengers refusing to obey rules as to health, &c., and for insubordinate conduct. (2*l.* and imprisonment) - - - 329 3*x*
Master for not posting up Order in Council as to rules for health, &c. (40*s.* a day) - - - - - - - 329 3*y*
Passengers defacing Order in Council as to rules for health, &c. (40*s.*) - - - - - - 329 3*y*
Selling spirits on board. (5*l.* to 20*l.*) - - - - 329 3*z*
Acting as passage broker without license. (20*l.* to 50*l.*) - - 329 4*e*
For breach of rules as to agents of passage brokers. (20*l.* to 50*l.*) - 329 4*h*
Fraudulently inducing to engage passages. (5*l.* to 20*l.*) - - 329 4*i*
For breach of rules as to contract tickets. (5*l.* to 50*l.*) - - 329 4*j*
For inducing to part with contract ticket (20*l.*) - - - 329 4*k*
For breach of contract. (passage money and 20*l.*) - - - 329 4*l*
Cabin passengers not producing contract ticket or master the counterpart. (10*l.*) - - - - - - - 329 4*m*
Emigrant runners acting without license and badge (1*l.* to 5*l.*) - 329 4*n*
Passage brokers employing such. (1*l.* to 5*l.*) - - - 329 4*n*
Emigrant runner not lodging license with emigration officer for registration. (40*s.*) - - - - - - - 329 4*o*
Emigrant runner refusing to produce his badge. (40*s.*) - - 329 4*q*
.... not notifying change of abode, or loss of badge. (40*s.*) - - - - - - - - 329 4*q*
.... mutilating badge or wearing unlicensed badge. (40*s.*) - - - - - - - - 329 4*q*
.... lending his badge. (40*s.*) - - - 329 4*q*
Person using emigration runner's badge not lawfully issued to him. (5*l.*) - - - - - - - - 329 4*q*
Emigration runners taking fees from emigrants. (5*l.*) - - 329 4*s*
Passage brokers not exhibiting and sending to emigration officer list of their runners. (2*l.* to 5*l.*) - - - - - - 329 4*t*
For breach of dock byelaws as to landing and embarking emigrants. (5*l.*) - - - - - - - - - 329 4*u*
Falsifying documents or false personation to obtain passage. (2*l.* to 50*l.*) - - - - - - - - - 329 4*v*
Recovery of penalties - - 329 4*x*

PENALTIES AND PUNISHMENTS—*cont.*

Emigrant ships—cont. Section.

Master failing to deliver to emigration officer list of passengers brought to the United Kingdom. (50*l.*) - - - 329 5*n*

Masters bringing to the United Kingdom a greater number of passengers than allowed in ships leaving the United Kingdom. (5*l.* to 10*l.* for each passenger in excess.) - - - - 329 5*o*

Master not issuing same provisions and water as prescribed for ships leaving the United Kingdom. (50*l.*) - - - - 329 5*p*

Failing to comply with directions in schedules to Passengers Act. (10*l.*) - - - - - - - - - 329 5*q*

Pilotage:

For breach of regulations as to characteristics of pilot boats. (20*l.*) - 346

Pilot failing to show pilot boat flag and keep distinct. (20*l.*) - - 346

Pilot failing to show pilot flag though in ordinary boat. (50*l.*) - 347

Displaying pilot flag, when no licensed pilot is on board. (50*l.*) - 348

Pilot failing to produce, upon request, copy of Pilotage Act, and district rates, byelaws, and regulations. (5*l.*) - - - 350

Pilot not producing license when requested. (10*l.*) - - 351

Pilot not delivering up his license when directed by pilotage authority. (10*l.*) - - - - - - - 352

Master not having a pilotage certificate, after offer from qualified pilot, piloting himself, or employing unqualified pilot. (Double the pilotage due) - - - - - - - 353

Masters of home-trade passenger ships failing to employ qualified, unless certificated themselves. (100*l.*) - - - 354

Qualified pilot demanding or taking other than the legal rate. (10*l.*) - 358

Master offering other than legal rate. (10*l.*) - - - 358

Master refusing to declare or making false declaration as to ship's draught of water. (Double pilotage rate.) - - - 359

Fraudulently altering marks denoting draught of water. (500*l.*) - 359

Unqualified pilot acting after offer from qualified pilot. (50*l.*) - 361

.... using license not entitled to. (50*l.*) - - 361

Qualified pilot keeping public-house, or selling spirits, tea, or tobacco. (100*l.*) - - - - - - - 365

.... offending against Revenue. (100*l.*) - - - 365

.... guilty of corrupt practices. (100*l.*) - - - 365

.... lending his license. (100*l.*) - - - - 355

.... acting while suspended. (100*l.*) - - - 365

.... acting when drunk. (100*l.*) - - - 365

.... declining to go off. (100*l.*) - - - - 365

.... unnecessarily cutting or slipping cable. (100*l.*) - 365

.... causing unnecessary expense. (100*l.*) - - 365

.... refusing to conduct ship into port. (100*l.*) - - 365

.... quitting ship before services completed. (100*l.*) - 365

.... endangering ship, life, or limb. (Misdemeanor) - 366

Endeavouring or aiding to obtain charge of ship by wilful misrepresentation of circumstances on which safety of vessel depends. (100*l.*) - - - - - - - - - 367

Master not possessing a certificate piloting himself or employing unqualified person within Trinity House District. (Double pilotage rate and 5*l.* for every 50 tons burden of ship) - - 376

Master within Trinity House limits failing to signal for a pilot, or to facilitate pilot getting on board, or to give ship to his charge. (Double the pilotage rate) - - - - - - 378

Qualified pilot (Trinity House) giving false account of his earnings or failing to pay poundage. (Double the amount payable and suspension or dismissal) - - - - 395

Lighthouses:

Wilfully injuring lights, buoys, and beacons. (50*l.*) - 414

Wilfully removing, altering, or destroying lightship, buoy, or beacon. (50*l.*) - - - - - - - 414

Wilfully making fast to, or running foul of, any lightship, buoy, or beacon. (50*l.*) - - - - - - - 414

Exhibiting false lights, and not extinguishing same at order of lighthouse authority. (100*l.*) - - - - - 415

PENALTIES AND PUNISHMENTS—*cont.*

Wreck and salvage: Section.

Master or mate failing to deliver up his certificate when required during investigation into wreck or casualty. (50*l.*) - - 438
Disobedience to instructions of Receiver of Wreck at wreck. (50*l.*) 441
Refusing to assist Receiver of Wreck when summoned. (100*l.*) - 442
Master or other in charge of ship or boat refusing to aid Receiver. (100*l.*) - - - - - - - 442
Refusing to lend carts or horses. (100*l.*) - - - - - 442
Secreting wreck. (100*l.*) - - - - - - 443
Occupier of land refusing or impeding passage of carts, horses, &c. at time of a wreck. (100*l.*) - - - - - 447
.... refusing deposit for a reasonable time of articles saved from wreck on his land. (100*l.*) - - - - - 447
Owner of wreck not giving notice of wreck found to Receiver. (100*l.* and forfeiture of salvage, and double value of articles salved) 450
Riotous assembling and plundering at wreck. (Full compensation to owner) - - - - - - - - -
Wrongfully taking away wreck. (50*l.*) - - - 478
Impeding saving of wreck. (50*l.*) - - - - - - 478
Secreting or obliterating marks on wreck. (50*l.*) - - 478
Endeavouring to board ship in distress unauthorised by Receiver. (50*l.*) - - - - - - - - - 478
Stealing from ship in distress. (Felony.) - - - 478*a*
Possession of wrecked goods without being able to give a satisfactory account. (Imprisonment or 20*l.* and value of goods) - 478*b*
Offering shipwrecked goods for sale. (Imprisoned or 20*l.* and value of goods) - - - - - - - - 478*c*
Selling wreck in foreign ports. (Felony) - - - - 479

Marine store dealers:

Not having name, &c. over shop door. (20*l.*) - - - 480
Not keeping a store book. (20*l.* for first, 50*l.* for subsequent offence) - - - - - - - - - 480
Purchasing from person under 16 years of age. (5*l.* for first, 20*l.* for subsequent offence) - - - - - - 480
Cutting up cable without permit. (20*l.* for first, 50*l.* for subsequent offence) - - - - - - - - - 480
Not publishing permit and nature of cable in newspaper. (20*l.* for first, 50*l.* for subsequent offence) - - - - - 482
Not producing cable mentioned in permit, and book of entries to person with warrant. (20*l.* for first, 50*l.* for subsequent offence) - 482
Manufacturers of anchors not marking anchor. (5*l.*) - - 483
Forging or altering any documents in proceedings relating to salvage by navy ship. (Imprisonment) - - - - - 496
Making use of forged documents, false evidence or representation in such proceedings. (Imprisonment) - - - - 496

Legal procedure:

Recovery of penalties - - - - - - 518
Application of penalties - - - - - - - 524
Penalties in default of defenders appearance. (Scotland) - - 539
False oath or affirmation before Admiralty Court. (Perjury) - 543*l*
Master leaving Lascars destitute in United Kingdom. (30*l.*) - 544*b*
Breach of regulations relative to Lascars. (10*l.* for every Lascar) - 544*g*
Recovery of such penalties - - - - - 544*i*
Stealing from ship in port, dock, wharf, or quay. (Penal servitude or imprisonment) - - - - - - - - 548*t*

PENSIONS (Merchant Seamen's Fund), time of commencement of new - 180*hh*
.... may be granted as before, till that time - - - 180*ii*
...., aggregate at each port not to exceed those of former years - 180*ii*
...., present, not to be diminished - - - - 180*jj*
...., not earned without five years contribution - - 180*kk*
.... forfeited by failure to contribute for three years - - 180*ll*
...., persons entitled to - 180*mm*
...., one uniform scale of - 180*nn*

Section.
PENSIONS (Merchant Seamen's Fund), of masters, twice the rate of seamen's 180*oo*
...., Board of Trade may commute, and give gratuities to widows instead of pensions - - - - - - 180*pp*
...., aggregate number of, in each port not to exceed average of last five years - - - - - - - - 180*qq*
.... to be inalienable - - - - - 180*rr*
...., pensions and relief, Board of Trade may regulate right to - 180*ss*
...., application for, Board of Trade to make regulations as to - 180*uu*
....., general lighthouse authorities, with Board of Trade sanction, may grant - - - - - - 420
....., Admiralty may grant, to Naval Reserve Volunteers - - 290*k*
....., Admiralty may grant, to Naval Reserve officers and their widows - 290*cc*
PENSIONERS (Naval Reserve) to join Navy in emergencies - - 290*l*
....., ... navy law applicable to - - - - 290*m*
PERSON, definition of - - - - - - - - 2
PERSONATION of emigration agents, penalty for - - - - 329 4*v*
.... to obtain pensions from Merchant Seamen's Fund, punishment for - - - - - - - 180*ww*
PERSONAL INJURY, liability of shipowner for, not to exceed 15*l.* per registered ton - - - - - - - - 505*a*
.... Board of Trade may direct proceedings for - - - 507
PERISHABLE GOODS from wrecks, to be sold immediately - - 453
PERJURY, false oath before registrar of Admiralty court deemed - - 543*l*
PILOT, definition of - - - - - - - - 2
....., qualified, definition of - - - - - 2
PILOT BOATS, pilotage authorities to make regulations as to - - 333
..... to be licensed by pilotage authorities - - - - 345
....., characteristics of - - - - - - - 346
....., qualified pilot to display flag, though not in - - - - 347
....., penalty for ordinary boat displaying flag for - - - - 348
PILOT FUND (Trinity House), payments to - - - - 385
...., application of - - - - - 386
...., Trinity House may enable Cinque Port pilots to purchase interest in - - - - - - - - 386*g*
...., charges on and future management of - - - 386*h*
...., arrangement with respect to Bristol Channel pilots - - 386*k*
..... (Cinque Ports), payments to, to be made to Trinity House - - 386*f*
....., ..., Trinity House to pay debts of Cinque Port pilots and grant pensions out of - - - - - - - - 386*g*
PILOT SIGNALS - - - - - - - 348*a*
..... may be altered by Order in Council - - - - - - 348*b*
PILOTS, offences of - - - - - - 365, 366, 367
....., power to pilotage authorities to establish superannuation funds for - 333
....., ... to determine qualifications of, and to make rules for licensing - 333
..... (qualified), to display pilot flag, whether in pilot boat or ordinary boat - - - - - - - 346, 347
...., leading ship, when unable to board, entitled to full rates - 356
...., penalty for receiving improper rates - - - 358
...., power to, to supersede unqualified pilots - - - 360
...., offences of - - - - - - 365
...., penalty for endangering ship or life - - - - 366
...., for doing wilful injury to ship - - - - - 367
...., to display pilot flag though in ordinary boat - - - 347
...., copies of pilotage regulations, rules, &c. to be furnished to and produced by, on request - - - - - - 350
...., to produce license to employer - - - - - 351
...., home-trade passenger ship to employ, unless master or mate are certificated - - - - - - - 354
..... (Trinity House), Trinity House to license for certain districts - 370
...., names of, to be published - - - - - 371

Section.

PILOTS (Trinity House), bonds to be given by - - - 372
...., liability of, limited - - - - - - 373
...., continuance and renewal of licences for - - - 374
...., Trinity House may revoke and suspend licences of - - 375
...., Trinity House to make arrangement for constant supply of, at Dungeness - - - - - - - 377
...., ship passing Dungeness to take first - - - - 378
...., settlement of difference as to draught of water between master and - - - - - - - 384
..... (Old Trinity House) may pilot vessels inwards within limits of licence 386c
..... (Bristol Channel), arrangement as to Trinity House Pilot Fund for - 386k
..... (Cinque Port), old, competent to pilot vessels within their licensed districts - - - - - - - 386a
.... to be subject to same rules as Trinity House pilots - 386b
...., rates for duties hitherto performed by - - - 386d
...., to have same remedies for recovery of rates as Trinity House pilots - - - - - - - 386e
...., property of, to be transferred to Trinity House - - 386f
...., Trinity House to pay debts of, and grant pensions to, out of Cinque Port Pilot Fund - - - - - - 386g
...., Trinity House may enable, to purchase interest in Trinity House Pilot Fund - - - - - - - 386g
...., settlement of claims of, by Trinity House - - 386i
...., alteration of payment to Trinity House Pilot Fund by - 386j
....., penalty for employing unqualified - - - - - 353
....., penalty on unqualified person acting as - - - - 361
....., when unqualified person may act as - - - - 362

PILOTAGE AUTHORITY, definition of - - - - 2

PILOTAGE AUTHORITIES (general), jurisdiction of - - - 331
...., power to make and extend exemptions from compulsory pilotage 332
...., powers of - - - - - 333
...., Board of Trade may constitute by provisional order new - 333a
...., Board of Trade, by provisional order, may enable existing, to grant licences, fix, raise, and facilitate the recovery of rates - 333a
...., to publish byelaws - - - - - 334
...., to make returns to Board of Trade - - - 337
...., failing to give returns, jurisdiction may be transferred to Trinity House - - - - - - - 338
...., returns to be laid before Parliament - - - 339
.... to give pilotage certificates - - - - 340
...., to renew certificates annually - - - - 341
...., Board of Trade may examine and grant certificates on refusal of 342
...., fees for certificates - - - - - 343
...., pilot boats to be licensed by - - - - 345
...., may grant special sea licences - - - - 352a

PILOTAGE BYELAWS, to be published before confirmed by Order in Council - - - - - - - - 334
....., Order in Council confirming, to be laid before Parliament - 335
....., appeal to Board of Trade against - - - - 336

PILOTAGE CERTIFICATES, to be granted by pilotage authorities - 340
....., annual renewal of - - - - - - - 341
....., Board of Trade may examine and grant, on refusal of pilotage authority - - - - - - - 342
....., fees for - - - - - - - - 343
....., power to Board of Trade to withdraw - - - 344
....., for masters and mates for home-trade passenger ships - - - 355

PILOTAGE (COMPULSORY), pilotage authorities may make and extend exemptions from - - - - - - - 332
...., Board of Trade may exempt any district provisional order from 333a
...., how enforced - - - - - - 353
...., exemptions from, in Trinity House district - - 379
...., extension of exemptions from - - - - 379a
...., limitation of liability of owner under - - - 883

Section.

PILOTAGE DISTRICT, power to pilotage authority to arrange limits of - 333
....., allowance to qualified pilot taken out of his - - - 357

PILOTAGE DUES, liability for and recovery of - - - - 363
....., power of consignee to retain amount paid as - - - 364
..... (Trinity House) - - - - - - 380
...., for foreign ships trading to and from port of London - - 381
...., receipt to be given to foreign ships by collector of customs - 382
...., application of - - - - - - 383
...., may modify, by Order in Council, rule as to pilot not taking less than rate in force - - - - - 358a
...., for duties before performed by Cinque Port pilots - - 386a

PILOTAGE JURISDICTION, Board of Trade may transfer by provisional order - - - - - - 333a

PILOTAGE LICENSES, power to pilotage authorities to make rules as to - 333
....., Board of Trade by provisional order may enable existing authority to grant - - - - - - 333a
....., registry of - - - - - - 349
....., qualified pilots to produce, to employer - - - - 351
....., to be delivered up when required, and returned on death - - 352
....., special sea, may be granted by pilotage authorities - - - 352a
....., penalty for lending - - - - - - 365
....., table of Trinity House - - - - - 333

PILOTAGE REGULATIONS, power to Trinity House to alter - - 368

PILOTAGE RETURNS to Board of Trade, pilotage authorities to make - 337
...., jurisdiction of pilotage authority failing to make, may be transferred to Trinity House - - - - 338
.... to be laid before Parliament - - - - 339

PLUNDER AT WRECK, power to receiver to suppress by force - 444

POOR RATES, relief to seamen's families out of, chargeable on a portion of wages - - - - - - - - - - 192
..... steps for reimbursement of - - - - - - 193

PORT OF DUBLIN CORPORATION, name changed to Commissioners of Irish Lights - - - - - - 389 (note)

PORT OF REGISTRY, definition of - - - - - 2
.... foreign port may be declared by Order in Council - - 33a
.... to be marked on stern of British ship - - - 34a

PRESIDENT AND GOVERNOR, definition of - - - - 2

PRIVIES to be approved by surveyors - - - - 231a
..... for emigrant ships - - - - - - - 329gg

PROBATE, wages and effects of deceased seamen of less than 50*l*. in value may be paid to parties entitled without - - - 199

PROCEEDINGS. *See* Legal Procedure.

PROCEDURE. *See* Legal Procedure.

PROOF required of transmission of ship or share - - - 59
..... of certain things, copies of registers and declarations to be - - 107
..... of passengers on board lost ship - - - - - 506a
....., burden of, to be on persons claiming exemption from Passengers Act - - - - - - - - 329 5c
..... of being an emigration officer - - - - 329 5d

PROOF MARK, chain cables and anchors tested to bear a - - 294l
....., charge for affixing - - - - - - - 294q

PROVISIONAL CERTIFICATES OF REGISTRY to be delivered up on arrival in United Kingdom - - - - - - 49
.... for ships becoming property of British subjects at foreign ports - - - - - - - - 54
.... on alteration of ship - - - - - - - 85, 86

Section.

PROVISIONAL ORDERS, Board of Trade may transfer pilotage jurisdiction, constitute new authorities, exempt any district from compulsory pilotage, enable existing authorities to grant licences, fix, raise, and facilitate recovery of rates, by - - - - - 333*a*
....., regulations as to making and confirming - - - 333*b*

PROVISIONS, seamen's right to wages and, when to commence - - 181
..... and water, survey of, on complaint of crew - - - 221
....., allowance to seamen for bad or short - - - - 223
....., weights and measures to be kept on board for weighing - - 225
...., ..., for emigrant ships - - - - - - 329*oo*
....., bad, in emigrant ships, to be landed at direction of - - - 329*pp*
..... for emigrant ships coming to the United Kingdom, same as for ships leaving - - - - - - 329 5*p*

PUBLIC WORKS LOAN COMMISSIONERS may make advances for establishing testing machines for chain cables and anchors - - 294*f*
..... may advance money on credit of Mercantile Marine Fund - - 426
..... may advance money for erecting colonial lighthouse on security of dues - - - - - - - - - 416*f*

PUNISHMENT. *See* Penalties and Punishment.

Q.

QUALIFIED PILOTS. *See* Pilots.

QUEEN'S BENCH, disputes as to expenses of witnesses called by Board of Trade inspectors to be referred to - - - - - 15

QUORUM, local marine board may determine number of - - - 119*a*

R.

RATES AND TAXES, property of general lighthouse authorities exempt from - - - - - - - - 430

RATES. *See* Dues and Pilotage Rates.

RECEIPT FOR LIGHT DUES, ship not to be cleared without - - 400

RECEIVERS OF WRECK. *See* Wreck.

RECORD. *See* Court of Record.

RECOVERY OF WAGES, seamen may sue for, in summary manner - 188
....., no seamen to sue abroad for, except in case of discharge or danger of life - - - - - - - 190
....., restrictions on suits for, in superior court - - - 189
....., master to have same remedies as seamen for - - - 191

REFUSAL TO GO TO SEA, punishment for - - - - 243

REGISTER BOOK to be kept by every registrar - - - 32
....., rules as to entries in - - - - - - - 37
....., particulars to be entered in - - - - - - 42
....., no notice of trusts to be entered in - - - - - 43
....., loss of ship to be entered in - - - - - - 53
....., name of transferee of ship or share to be entered in - - 57
....., bill of sale to be entered in - - - - - 57
....., transmission of ship or share to be noted in - - - - 60
....., mortgage of ship or share to be noted in - - - - 66
....., discharge of mortgage to be entered in - - - - - 68
....., transfer of mortgage to be entered in - - - - - 73
....., transmission of mortgage to be entered in - - - - 75
....., alteration in ship to be entered in - - - - - 84
..... may be inspected on payment of fee - - - - 92
....., Commissioners of Customs may issue instructions as to entries in - 96
....., punishment for forgery of entry in - 101
....., copies of, admissible in evidence - 107

Section.

REGISTER BOOK, copies of, same effect as original - 107a
..... to be produced, if required, for triennial revision of voters for members of local marine board - - - 114

REGISTERED TONNAGE. *See* Tonnage.

REGISTRAR OF ADMIRALTY COURT. *See* Admiralty Court.

REGISTRARS OF BRITISH SHIPS, who are to be :—1, in United Kingdom; 2, in Guernsey and Jersey; 3, in Malta, Gibraltar, and Heligoland; 4 and 5, in India; 6, in colonies - - - - - 30
..... in colonies - - - - 30a, 31
..... to keep a register book - - - - - 32
....., certificate of survey to be delivered to, before ship registered - 36
....., declaration of ownership to be made before - - - 38
....., particulars to be entered in register book by - - - 42
..... not to receive notice of trusts - - - - 43
..... to grant certificates of registry - - - - 44
..... to endorse change of owner and master on certificate - - - 45, 46
..... may grant new certificates - - - - 47
..... may grant provisional certificate in case of loss of original - - 48
..... to give new certificate instead of provisional - - - 49
..... may demand certificate of improperly detained - - - 50
....., notice of loss of ship to be given to - - - - 53
....., declaration of transferee to be made before - - - 56
....., bill of sale to be produced to - - - - - 57
....., registration of transmitted share by - - - - 60
..... to retain certain evidence of transmission of ship or share - - 61
..... to record mortgages - - - - - 66
..... to register mortgages in order of time of production - - 67
..... to register discharge of mortgages - - - - 68
..... to register transfer of mortgages - - - - - 73
....., declaration of transferee of mortgage to be made before - - 74
..... to enter name of persons entitled under transmission of mortgage - 75
..... may grant certificates conferring power of mortgage or sale - 76
..... to require certain particulars for such certificates - - - 77
..... to endorse on certificates every mortgage made thereunder and discharge of mortgage - - - - - - - 80
..... to require certain certificates on registry anew - - - 81
..... may grant new certificates of mortgage and sale - - - 82
..... to give notice of revocation of certificates - - - 83
..... to register alteration in ship - - - - - 84
..... may require registry anew on alteration - - - - 85
..... to register altered ship anew on delivery of provisional certificate - 86
..... may register anew on change of owners - - - - 88
..... in case of transfer of port of registry to give notice to registrar at next port - - - - - - - 90
..... to allow inspection of register books - - - - - 92
....., indemnity to - - - - - - 93
..... to make return to customs of all registrations - - - 94
..... not required to record instruments for disposal or transfer of ship not in prescribed forms - - - - - 96a
..... power to, to dispense with declaration and other evidence under Part II. of Merchant Shipping Act, 1854 - - - - 97
..... to furnish certified copies of registers and declarations - - 107

REGISTRAR GENERAL OF BIRTHS AND DEATHS, copies of returns of births and deaths at sea to be sent to, by Registrar General of Seamen 274a

REGISTRAR GENERAL OF SEAMEN, appointment of - - 271
....., or his assistant may inspect ship's documents and muster crew - 18
..... to keep a list of all seamen - - - - - - 272
....., shipping masters to transmit all documents delivered to them under Merchant Shipping Act, 1854, to - - - - - 277
..... to permit inspection of documents and give copies - - - 277
....., return of all ships registered at the ports to be sent to - - - 278
..... to record grants, cancellations, and suspensions of certificates - 138
..... to record indentures of apprenticeship - - - - 143

Section.

REGISTRAR GENERAL OF SEAMEN to record reports of character of seamen - - - - - - 176
....., return of births and deaths at sea to be sent to - - - 274a
..... to send copies of such returns to Registrar General of Births and Deaths - - - - - - - 274a

REGISTRATION. *See* Registry.

REGISTRY of British ships, who are to be registrars - - - 30
....., port of, definition of - - - - - 33
....., ..., foreign port may be declared by Order in Council - - 33a
....., particulars to be marked on ship before - - - 34a
....., rules as to names of foreign ships admitted to British - - 34c
....., application for, by whom to be made - - - - - 35
....., evidence to be produced in addition to declaration of ownership before - - - - - - - - - - 40
....., penalty for false statement by builder required for - - 41
....., particulars relating to ship required for - - - - 42
....., certificate of, British ships not to clear without - - - 19
....., ..., form of, and particulars to be noted on - - - 44
....., ..., change of owner to be endorsed on - - - 45
....., ..., change of master to be endorsed on - - - - 46
....., ..., power to grant new, on delivering up former one - - 47
....., ..., provisions in case of loss of - - - - - 48
....., ..., (provisional) to be delivered up on arrival of ship in United Kingdom - - - - - - - 49
....., ..., ..., for ships becoming British in foreign ports - - - 54
....., ..., not subject to detention - - - - - 50
....., ..., penalty for detention - - - - - - 50
....., ..., procedure in case of party detaining, absconding - - 51
....., ..., penalty for using improper - - - - - 52
....., ..., of ship lost or ceasing to be British to be delivered up - 53
....., ..., delivery of, on transfer of ship - - - - - 90a
....., ..., (terminable,) granted in colonies - - - 44a
....., ..., ship with, to be deemed a British ship - - - 44b
....., alteration of ship to be endorsed on - - - - 84
..... (provisional), on alteration of ship - - - - 86
..... anew, may be required on alteration of ship - - - 85
.... on remeasurement of engine-room improperly extended - 28
...., consequence of not obtaining, on alteration of ship - - 87
.... may be granted on change of owner - - - 88
..... of ship may be transferred from port to port - - - - 89
...., manner of transfer of - - - - 90
...., transfer of, not to affect rights of owner - - - 91
..... of transmitted ship or share - - - - - 60
..... of mortgage of ship or share - - - - - - 66
..... of discharge of mortgage - - - - - 68
..... of transmission of mortgage - - - - - - 75
....., provision for, in case of infancy or other incapacity of owner - 99
..... of emigrant runners - - - - - - - 329 4o
..... of pilot licences - - - - - - 349

RE-REGISTRY of British ship wrecked or abandoned, restrictions on - - 53a

REGULATIONS. *See* Rules.

RELEASE FOR WAGES to be signed before shipping master - - 175
..... a mutual discharge - - - - - - - 175
..... to be evidence - - - - - - - 175
....., form of, to be sanctioned by Board of Trade - - - - 175

RELIEF to seamen's families out of poor rates, chargeable on portion of wages - - - - - - - - 192
.... notice to be given to owner, and charge on wages enforced on seaman's return - - - - - - - 193
....., of distressed seamen abroad to be at public expense - 211
.... to be regulated by Board of Trade - - - 212a
...., extension of provisions concerning - - 213a

Section.

RELIEF to seamen's widows and children from Merchant Seamen's Fund, forfeited by three years failure to contribute to fund - - - 180*ll*
...., Board of Trade may regulate right to - - 180*ss*
...., to be distributed by president, governors, and trustees 180*tt*

REPORT, definition of - - - - - - - - 2

REPRESENTATION, FALSE. *See* Forgery.

RETURNS to Board of Trade - - - - - - - 12
..... of all registrations, to be made by registrar to Customs - - 94
..... of ships registered at the ports, to be sent twice yearly to Registrar-General of Seamen - - - - - - - - 278
..... as to build, &c. of ship, surveyor to make to Board of Trade - - 321
...., owner and master to give information required for - - 321
.... (pilotage), pilotage authorities to make, to Board of Trade - 337
...., jurisdiction of pilotage authorities failing to make, to be transferred to Trinity House - - - - - - 338
.... to be laid before Parliament - - - - - - 339
..... relative to administration of Merchant Seamen's Fund to be made to Board of Trade - - - - - - - 180*yy*
..... (general) relating to Merchant Seamen's Fund to be laid before Parliament - - - - - - 180*zz*

RIGHTS to wages, seamen not to abandon - - - - - 182
.... not to depend on earning of freight - - - 183
...., proof of seaman not exerting himself to save ship to bar - - 183
...., in case of termination of service by wreck or illness - - 185
.... to salvage, seamen not to abandon - - - - - 182

RIVERS, rules for preventing collisions in, to remain in force - - 299*g*
.... may be made when none exist - - - - - 299*h*

ROYAL NAVY. *See* Navy.

ROYAL NAVAL RESERVE VOLUNTEERS. *See* Naval Reserve Volunteers.

RULES for tonnage measurement. *See* Tonnage Measurement.
..... as to naming British ships - - - - - - - 34*b*
.... names of foreign ships placed in British register - - 34*c*
.... certificates of mortgage of ship or share - - - 80
.... of sale of ship or share - - - - - 81
.... apprenticeship of paupers - - - - - 144
.... production of agreements and certificates by masters and mates of foreign-going ships - - - - - - - 161
.... by masters of home-trade ships - - - - 162
.... allotment notes - - - - - - 168
.... money orders, to be made by Board of Trade - - - 177
.... medicines and antiscorbutics - - - - - 224*a*
...., governors to make, in colonies - - - - 227*b*
.... medical inspection of seamen - - - - 228*c*
.... crew spaces - - - - - - - 231*a*
.... officers of Naval Reserve - - - - - 290*ee*
..... for preventing collisions at sea - - - - 299*a*
.... to be published - - - - - 299*b*
...., owner and masters bound to obey - - - 299*c*
...., breaches of, wilful default - - - - 299*d*
...., liability for infringement of, in case of collision - - 299*e*
...., inspection for enforcing - - - - - 299*f*
.... in harbours and rivers under local Acts, to remain in force - 299*g*
.... when none exist, may be made - - - - 299*h*
...., foreign ships in British jurisdiction subject to - - 291*a*
...., when adopted by foreign countries, may be applied to their ships on high seas - - - - - - - - 291*b*
..... as to boats and life buoys for sea-going ships - - - 292
...., Board of Trade may vary - - - 294*a*
..... (emigrant ships) as to number of passengers to be carried - - 329*s*
.... between Ceylon and India, Ceylon Government may make 329*v*

Section.

RULES (emigrant ships), as to space for hospitals - - - 329*ff*
.... privies - - - - - - 329*gg*
.... light and ventilation - - - - - 329*hh*
.... boats, life buoys, night signals, and fire engines - - 329*ii*
.... manning - - - - - - 322*jj*
.... carriage of horses and cattle - - - - 329*ll*
.... carriage of naval and military stores - - - 329*mm*
.... beams and decks - - - - - 329*bb*
.... berths - - - - - 329*cc*
.... berthing of passengers - - - - - - 329*dd*
.... health, cleanliness, &c. to be prescribed by Order in Council - 329 3*w*
.... to be enforced by master and surgeon - - - 329 3*x*
.... copy of Order in Council enforcing, to be exhibited on board - 329 3*y*
....., pilotage, power to Trinity House to alter - - - 368
..... for marine store dealers - - - - - - 480
..... as to making and confirming provisional orders - - 333*b*
.... signals, power to Board of Trade to alter, by Order in Council - 498*b*
.... supply of provisions to lascars, Governor-General of India to make - - - - - - - - 544*d*

RUNNERS. *See* Emigrant Runners.

RUNNING AGREEMENTS may be made for foreign-going ships making short voyages - - - - - - - 151
....., engagement and discharge of seamen before termination of - 152
....., duplicates of, how to be dealt with - - - - - - 153
....., fees for - - - - - - 154
....., rules as to production of certificates in case of - - - 161

S.

SAFETY VALVES for steamships - - - - - - 301
....., penalty for improper weight on - - - - - 302
..... to be inspected by engineer surveyor - - - - 309

SAILORS HOMES may be shipping offices - - - - 129
....., corporations may grant sites for - - - - 546

SAILING RULES - - - - - - - 299*a*
..... to be published - - - - - - - 299*b*
....., owners and masters bound to obey - - - - 299*c*
....., breaches of, wilful default - - - - - 299*d*
....., liability for infringement of, in case of collision - - - 299*e*
....., inspection for enforcing - - - - - - 299*f*
....., foreign ships in British jurisdiction subject to - - - 291*a*
....., when adopted by foreign country, may be applied to its ships on high seas - - - - - - - - 291*b*

SALE, transfer of ship or share by bill of - - - - - 55
.... of ship or share, unqualified owner by transmission may apply to court for - - - - - - - - 62
...., order of court to vest right of transfer in a nominee - - 63
...., limitation of time for application to court for - - - 64
...., mortgagee to have power of - - - - - - 71
...., powers of, may be conferred by certificate from registrar - 76
...., requisites for certificate for - - - - - - 77
...., restrictions on certificate for - - - - - 78
...., form of certificate of - - - - - - - 79
...., rules as to certificate of - - - - - - 81
...., powers of customs in case of loss of certificate of - - 82
...., revocation of certificate of - - - - - 83
...., conduct of, in Admiralty court instead of county court in appeal cases - - - - - - - 543*ss*
..... of goods by auction by warehouse owner, if lien for freight not discharged or deposit made - - - - - 548*o*, 548*p*, 548*q*
..... of spirits, prohibited in emigrant ships - - 329 3*z*

Section.
SALE of chain cables and anchors, contracts for, to imply warranty - 294y
...., unproved, prohibited to foreign and British ships - - 294w
...., ..., to British ships - - - - - 294x
SALVAGE, seamen not to abandon right to - - - - 182
....., claims to, forfeited by not delivering wreck to receiver - - 450
..... services, stipulations in agreement allowed concerning remuneration for 182a
..... within limits of United Kingdom - - - - - 458
..... extension to British ships outside limits - - - - - 458a
..... for life, provisions as to, may be applied to ships of foreign consenting countries on high seas - - - - - - 458b
.... to take priority of other claims - - - - - - 459
.... when funds are wanting, may be paid out of Mercantile Marine Fund - - - - - - - - 459
..... disputes, how to be settled - - - - - - - 460
.... receiver may appoint a valuer in - - - - - 460a
.... manner in which justices may decide - - - - - 461
.... (small cases), extension and amendment of summary jurisdiction in - - - - - - - - - 461a
.... cost of arbitration - - - - - - - 462
.... justices may call for documents and administer oaths in - 463
.... appeal to Admiralty Court against decision of justices - - 464
.... justices to transmit copy of proceedings and certificate of valuer to court of appeal - - - - - - - - 465
..... payment of, under 200*l.* to be made to receiver, in case of dispute as to apportionment - - - - - - - 466
....., receiver may apportion - - - - - - - 467
....., manner of enforcing payment of - - - - - 468
....., ship may be released on security given to receiver for - - 468
....., receiver may sell property salved in case of nonpayment of - 469
....., receiver to deliver up wreck to owner subject to fees and expenses of 470
..... cases, jurisdiction of Court of Session - - - - - 468a
.... Admiralty court to have jurisdiction in all - - - - 476
.... county court with Admiralty jurisdiction to have jurisdiction in small - - - - - - - - 476a
.... punishment for forgery or false representation in - - 496
.... powers of courts having Admiralty jurisdiction to apportion - 498
..... services abroad by ships of Navy - - - - - 486
...., no claim to be made for loss or damage to Navy ship or stores - 484
...., claims by naval officers not to be determined without consent of Admiralty - - - - - - - - 485
..... bond, to given to naval salvor to avoid detention of ship - - 486
.... consular officer or judge of Vice-Admiralty Court to settle amount of - - - - - - - - 487
...., ship not to be detained after execution of - - - 488
...., security in addition to, when owner non-resident in British dominions - - - - - - - 489
.... and other documents, to be sent to adjudicating court - - 490
...., who are bound by - - - - - - 491
...., court where it is to be adjudicated on - - - - - 492
.... power of Admiralty Court to enforce - - - - 493
.... voluntary agreement to abide decision of Admiralty Court to have same effect as - - - - - - - 497
...., power of Courts having Admiralty jurisdiction to apportion - 498
.... in Scotland, jurisdiction of Admiralty Court in - - 543
SALVOR, definition of - - - - - - 2
SAVING CLAUSE,—3 & 4 Vict. c. 56. saved - - - - 108
....., liability of shipowner - - - - - - 548
....., Passenger Acts - - - - - - - 545
....., powers under Local Acts (Merchant Shipping Amendment Act, 1862) 548v
....., Merchant Shipping Repeal Act, 1854 - - - - 548w
....., dangerous goods - - - - - - - 329f
SAVINGS BANKS for seamen, establishment of - - - 180
.... extended to seamen of navy - - 188a

Section.

SAVINGS BANKS for seamen, power to Board of Trade to establish - 180*b*
...., power to constitute shipping offices branch - - - 180*c*
...., Commissioners for Reduction of National Debt to receive deposits and pay interest for - - - - - 180*d*
...., Board of Trade to make regulations for conduct of - - 180*e*
...., application of deposits of deceased depositor - - 180*f*
...., punishment for forgery to obtain deposits or interest in - 180*g*
..... Act, expenses under, how to be defrayed - - - 180*h*
...., accounts and regulations under, to be laid before Parliament - 180*i*
...., criminal proceedings under, mode of - - - - 180*j*

SCOTLAND, Commissioners of Northern Lighthouses to manage lights, buoys, and beacons in - - - - - - - 389
....., investigation into wreck and casualty in - - - 437
....., sheriffs to have same power as justices in England under Part VIII. of Merchant Shipping Act, 1855 - - - - 501
..... lord of manor to include heritable proprietor duly infeft - - 501
....., sheriff in, to have same power as justices under Passengers Act, 1855 329 4*z*
....., (legal procedure,) offences punishable as misdemeanors - - 530
.... summary proceedings - - - - - - 531
...., form of complaint - - - - - - 532
...., mode of requiring appearance of defender and witnesses - 533
...., backing arrestments - - - - - 534
...., power of compelling attendance of witnesses - - 535
...., proceedings to be vivâ voce - - - - - 536
...., power to adjourn proceedings - - - - 537
...., sentence to be in writing - - - - - 538
...., imprisonment in default of payment of fine - - - 538
...., sentence and penalties in default of defender's appearance - 539
...., warrant to apprehend defender in default of appearance - 540
...., backing sentences and decrees - - - - 541
...., orders not to be quashed for want of form, and to be final - 542
...., general rules to extend to penalties and proceedings in - 543

SEAMAN, definition of - - - - - - - 2

SEAMEN, offences of. *See* Offences of Seamen.
....., savings banks. *See* Savings Banks.
....., Registrar General of. *See* Registrar General of Seamen.
....., engagements of, shipping offices to keep registries to facilitate - 124
.... to assist in securing presence of, on board - - 124
....., engagement and discharge of, shipping offices to superintend and facilitate - - - - - - - - 124
...., fees on - - - - - - - - 125
...., part of fees to be deducted from seamen's wages - - 126
....., Board of Trade may license persons to engage - - - 146
....., penalty for non-licensed persons supplying - - - - 147
....., penalty for receiving, unlawfully supplied - - - - 147
....., penalty for receiving remuneration from, for shipping them - - 148
....., agreements with - - - - - - - 199
...., provision in case of colonial ships - - - - 144
...., may state maximum period of voyage - - - 149*d*
...., rules for foreign-going ships - - - - - 150
...., for home-trade ships - - - - - - 155
....., running agreements with, for foreign-going ships making short voyages - - - - - - - - 151
...., engagement and discharge before termination of - 152
...., duplicates of, how to be dealt with - - - 153
...., fees on - - - - - - 154
....., special agreemeets with, for home-trade ships belonging to same owner - - - - - - - - 156
....., time agreements with, for home-trade ships - - - 162*a*
....., agreements with, seamen not to give up lien on ship or right to wages in case of loss of ship, or right to salvage in - - - 182
...., agreements with, stipulations as to remuneration for salvage services may be made in, when ship employed on salvage service - 182*a*

Section.

SEAMEN, agreements with, alterations in, to be void unless attested to have been made with consent of all parties - - - - 163
...., penalty for falsifying - - - - - 164
...., need not be produced by seamen - - - - 165
...., to be accessible to crew - - - - - 166
...., penalty for shipping, without duly executed - - 157
..... engaged in colonies, how to be shipped - - - - 159
..... engaged in foreign ports, to be shipped before consul - - 160
..... discharged before voyage, to be compensated - - - 167
..... to be discharged from foreign-going ships before shipping master - - - - - - 170
...., master to deliver account of wages on discharge of - 171
...., master to give certificates on discharge of - - - 172
.... shipping master may settle disputes between master or owner - 173
...., in settlement of wages - - - - - 175
...., master to report on character on - - - - 176
....., engagement and discharge of, provisions concerning, may be extended by Order in Council to foreign ships - - - - - 176a
....., money orders for - - - - - 177
....., power to pay money order when lost - - - - 178
....., establishment of savings banks - - - - 180b
....., enactments relating to savings banks extended to navy - - 180a
....., wages, right to, when to begin - - - - - 181
...., not to give up right to - - - - - 182
...., proved not to have exerted themselves to save ship, to lose right to - - - - - - - - 183
...., not to be dependent on earning freight - - - 183
...., right to, in case of termination of service by wreck or illness - 185
.... not to accrue during refusal to work or imprisonment - 186
...., period within which wages are to be paid - - - 187
...., may sue in summary manner for - - - - 188
...., suits for - - - - 189, 189a, 189b, 189c
...., not to sue abroad for except on discharge, or leaving for illusage endangering life - - - - - - 190
...., relief to families of, out of poor rates, chargeable on certain portion of - - - - - - 192, 193
..... allotment notes - - - - - - 168, 169
....., deceased, payment of wages - - - - - 184
...., master to take charge of effects of, and enter same with wages in official log - - - - - - 194
.... (lost with ship), wages how to be dealt with - - - 194a
...., wages and effects of, to be paid to consul or shipping master with full accounts - - - - - 195
...., penalty on master not accounting for - - - 196
...., owner answerable for - - - - - 196
...., recoverable in same way as wages - - - 196
.... (dying abroad), customs or consular officer to take charge of, and send to Board of Trade - - - - 197
.... (dying at home) to be given to shipping master at port of discharge or Board of Trade - - - - - 198
.... under 50*l.* in value may be paid to parties entitled, without probate or administration - - - - - 199
...., payment of, under wills - - - - - 200
...., provision for paying just claims, and preventing fraudulent claims on - - - - - - - - 201
...., manner of dealing with unclaimed - - - 202
...., punishment for forgery, &c. to obtain - - - 203
..... discharged from navy, dying on merchant ships on passage home, Accountant-General of Navy to dispose of effects of - - 204
..... discharged abroad to be sent home at owner's expense - - 205
..... penalty for forcing on shore or leaving abroad - - - 206
..... not to be discharged abroad without certificate from some functionary 207
..... discharged abroad for inability to be paid at time of discharge - 209
...., wages of, subject to subsistence and passage home - 210
...., to be paid in money, not by bill - - 209a

Section.

SEAMEN, distressed, found abroad, may be sent home at public expense - 211
...., masters compelled to bring home Board of Trade to pay expense - - - - - - - 212
...., left abroad irregularly, expenses chargeable on ship - - 213
.... Board of Trade may sue for relief advanced - - 213
...., relief of, to be regulated by Board of Trade - - 212*a*, 213*a*
..... may volunteer into Navy - - - - - 214
..... volunteering into Navy, clothes to be delivered at once, and wages paid to Queen's officer - - - - - - - 215
.... Admiralty may pay back to owner wages paid but not earned - - - - - - - 216
...., owner to apply to Admiralty Court for excess of expense in providing substitute for - - - - - 217
...., application how to be made, and amount of excess ascertained - - - - - - 218
...., Accountant-General to Navy to pay sum when ascertained - 219
...., penalty for forgery and false representation in support of application - - - - - - 220
....., survey of provisions and water on complaint by - - 221
..... forfeiture from wages for frivolous complaint - - - 222
..... allowance to, for short or bad provisions - - - 223
..... antiscorbutics for - - - - - 224*a*
....., medical attendance on, subsistence during illness, and burial expenses, how to be defrayed - - - - - 228
....., expenses paid by consul for illness, &c. of, to be recoverable from owner - - - - - - - 229
....., expenses of illness, &c. by neglect of owner or master to be paid by owner - - - - - - 228*a*
.... by his own default, wages forfeited - - - 228*b*
....., medical inspection of - - - - - 228*c*
....., accommodation for - - - - - - 231*a*
....., power of going ashore to make complaint - - - - 232
....., protection of, from imposition:—
sale or charge on wages invalid - - - - 233
no debt over 5*s*. recoverable till end of voyage - - 234
penalty for overcharges in lodging-houses - - - 235
for detaining effects of - - - - - 236
no one to go on board without permission, till final arrival of ship - - - - - 237
penalty for solicitations by lodging-house keepers - - 228
....., misconduct of, endangering ship, life, or limb, a misdemeanor - 239
....., offences of seamen. *See* Offences.
.... to be entered in official log - - - - 244
....., survey of ship alleged to be unseaworthy by - - - 243*a*
..... compensation to, for unnecessary detention for desertion - - 243*c*
..... carried under compulsion, and persons going in ship without leave, subject to same penalties for breach of discipline as crew - - 245
..... deserting, apprehension of - - - - - 246
.... may be sent on board in lieu of imprisonment - - 247
..... imprisoned for desertion or breach of discipline may be sent on board before termination of sentence - - - - - 248
.... copies of entries and certificates of desertion to be sent home and be taken in evidence - - - - - - 249
....., facilities for proving desertion so far as concerns forfeiture of wages by - - - - - - - 250
....., cost of imprisonment may be deducted from wages - - 251
....., amount of forfeiture for desertion, how ascertained, when seamen contract for voyage - - - - - - 252
..... questions of forfeiture from wages may be decided in suits for wages - 254
....., penalty for false statement as to lost ship by - - - 255
....., fines to be deducted from wages of, and paid to shipping master - 256
....., naval courts may discharge, order forfeiture of wages, settle disputes as to wages, &c. - - - - - - - 263
..... (British), offences of, at foreign ports to be within Admiralty jurisdiction - - - - - - - 267

Section.
SEAMEN (British), conveyance of offenders to United Kingdom or colony - 268
....., inquiry into cause of death on board of - - - - 269
....., register of all, to be kept by Registrar-General of Seamen - - 272
...., names and other particulars relating to, to be entered in ships lists - - - - - - - 273
....., particulars relating to, to be entered in official log - - - 282
..... volunteering for Naval Reserve. *See* Naval Reserve.

SEAMEN'S FUND. *See* Merchant Seamen's Fund.

SECRETING WRECK, penalty for - - - - - - 478

SENTENCES of naval courts to be endorsed on certificate of registry - 46
..... (Scotland) to be in writing - - - - 536, 538
..... and penalties (Scotland) in default of defender's appearance - 539
..... and decrees (Scotland), backing - - - - - 541

SERVICE to be good, if made personally on board ship - - 522
....., certificates of (master and mates), to whom to be granted - - 135
... ., false representation to obtain, a misdemeanor - - - 140
...., forgery of, altering, fraudulently using or landing, a misdemeanor - - - - - - - - - 140
...., to be granted to engineer on proof of certain service - - 140*e*

SHARES in shipping included in the word "stock" in Trustee Act, 1850 - 65*b*

SHIP, definition of - - - - - - - - 2

SHIPS. *See* also Steamers.
..... documents may be inspected by officers of Board of Trade, Navy, Customs, &c. - - - - - - - - 13
..... (British), description and ownership of - - - - - 18
...., registration of - - - - - - - 19
...., rules as to naming - - - - - - - 34*b*
...., tonnage measurement, rules for. *See* Tonnage Measurement.
...., measured under tonnage rule 11, may be measured under rule 1 - - - - - - - - 22*a*
..... (Foreign) of countries adopting tonnage rules need not be measured in this country - - - - - - - - 29*b*
..... (British), rules as to shares in - - - - - 37
.... Admiralty Court to have jurisdiction over claims for building, equipping, and repairing - - - - - - - 43*b*
...., for necessaries supplied for - - - - 43*c*
...., to decide questions as to ownership of - - - 43*d*
...., wrecked or abandoned, restrictions on re-registration of - 53*a*
...., transfer of - - - - - - - 55
....., declaration to be made by transferee of - - - - 56
....., transfer of, to be registered - - - - 57
....., transmission of, by death, bankruptcy, or marriage - - 58
....., transmission of, to be registered - - - - - 60
....., transmission of, registrar to retain certain evidence of - - 61
....., sale of, on transmission to unqualified owner, on application to court - - - - - - - - - - - - 63
....., sale of, limit of time for application to court for - - - 64
....., court may prohibit transfer of, on application from interested party - 65
....., Admiralty Court to have same powers over, as conferred by section 62 to 65 of Merchant Shipping Act, 1854, on Chancery Court - 65*a*
....., shares in, within Trustee Act, 1850 - - - - - 65*b*
....., mortgages of, to be registered - - - - - 66
...., to be registered in order of time of production - - - 67
....., discharge of, to be entered in register book - - - - 68
....., priority of, according to date - - - - - - 69
....., mortgagee of, not to be deemed owner - - - - 70
..... to have power of sale - - - - - - - 71
..... mortgage of, transmission of, to be entered in register book - 75
....., powers of mortgage or sale of, may be conferred by certificate from registrar - - - - - - - 76
....., requisite for certificates of mortgage or sale of - - - 77

ection.
SHIPS, restrictions on certificates of mortgage or sale of - - 78
....., form of certificates of mortgage or sale of - - - 79
....., rules as to certificates of mortgage or sale of - - - 80, 81
....., in case of loss of, certificates of mortgage or sale of; powers of Commissioners of Customs - - - - - 82
....., revocation of certificates of mortgage or sale of - - - 83
....., to be re-registered on alteration - - - - 84
....., registry anew may be required on alteration of - - - 85
....., provisional certificate on alteration of - - - - 85, 86
....., consequence of omitting to register anew on alteration of - - 87
....., registry anew may be granted on change of owners - - 88
....., registry of, may be transferred from port to port - - - 89
...., manner of transfer of - - - - - 90
...., delivery of certificate on transfer of - - - 90*a*
....., registrar not required to record instruments for disposal or transfer of, except on prescribed forms - - - - - 96*a*
..... not registered, passes may be granted under special circumstances to 98
....., provision for registry in case of infancy or other incapacity of owner of - - - - - - 99
....., liability of persons beneficially interested in - - - - 100
..... not to be cleared without declaration of national character - - 102
....., false declaration of ownership of, a misdemeanor - - - 103*a*
....., copy of register to have same effect as original register of - - 107*a*
....., effect of declaration in Act that a ship shall not be recognised as a British - - - - - - - 106
..... (home trade), time agreements for - - - - 162*a*
..... (foreign), provisions relating to engagement and discharge of seamen may be extended by Order in Council to - - - 176*a*
....., expenses of seamen left abroad irregularly chargeable on - - 213.
..... (foreign-going), carrying more than 100 persons, to have a medical practioner on board - - - - - 230
...., medicines and antiscorbutics for - - - - 224*a*
....., crew spaces in - - - - - - 231*a*
....., misconduct endangering, a misdemeanor - - - - 239
....., no one to go on board without permission till final arrival of - 237
....., penalty on seamen neglecting to join - - - 243
....., alleged to be unseaworthy, survey of - - - - - 243*a*
...., power to naval courts to order survey of - - - - 243*b*
....., penalty on seamen for false statement as to name of last - - 255
....., inquiry into causes of death on board - - - - 269
....., lists to be made for all - - - - - 273
..... (foreign-going), lists for, to be delivered to shipping master on arrival - - - - - - - - 274
....., (home trade), lists to be delivered half-yearly - - - - 275
....., lists to be sent to port of registry in case of loss or transfer of - 276
....., Customs officers to make return to Registrar General of Seamen of all 278
....., agreements, &c. to be deposited with consul on arrival of, at foreign port, with Customs officers in colony - - - - - 279
....., entries relative to, in official log - - - - 282
....., official logs to be sent to port of registry on loss of transfer of - 287
..... (colonial), provisions applied by Colonial Governments to, may be enforced throughout empire - - - - 288
..... (foreign), in British jurisdiction, subject to regulations for preventing collisions at sea - - - - - 291*a*
...., regulations when adopted by foreign country may be applied to its, on high seas - - - - - - 291*b*
..... suspected of unseaworthiness, survey of - - - - 291*c*
...., costs of, to be borne by owner, if ship reported unseaworthy - - - - - - - - 291*d*
...., Board of Trade to pay compensation, if ship reported seaworthy - - - - - - - 291*d*
...., expenses of, recoverable from complainant, if complaint without reasonable cause - - - - - 291*d*
...., appeal from decision of Board of Trade - - - 291*e*
.... alleged to be unseaworthy, cables and anchors of, to be tested 291*g*, 294*aa*

Section.

SHIPS, sending to sea unseaworthy, a misdemeanor - - 291*f*
....., draught of water to be recorded - - - - 291*h*, 291*i*
....., boats and life-buoys for sea-going - - - 292, 293
....., chain cables and anchors for. *See* Chain Cables and Anchors.
....., sale of unproved chain cables and anchors prohibited - - 294*x*
....., rules for preventing collisions at sea between - - - 299*a*
..... infringing rules, deemed in fault in case of collision - - 299*e*
..... (steam). *See* Steamers and Passenger Steamers.
....., notice to be given of apprehended loss of - - - 327*a*
....., collisions between, to be entered in official log - - 328
....., carriage of dangerous goods in. *See* Dangerous Goods.
..... (emigrant). *See* Emigrant Ships.
....., exemption of, from compulsory pilotage. *See* Pilotage.
..... (home-trade passenger), to employ qualified pilots unless they have certificated master or mates - - - - - - 354
....., draught of water of, penalty on making false statement as to, to pilot - - - - - - - 359
...., settlement of difference between master and pilot as to - 384
..... not to be cleared without receipt for light dues - - - 400
..... belonging to general lighthouse authorities exempt from harbour dues 431
..... in distress, wrecked, &c. *See* Wreck.
..... salved abroad by Navy ship. *See* Salvage.
..... (foreign), consul-general of country to be deemed owner's agent in case of wreck of - - - - - - 498*d*
....., proof of passengers on board lost - - - - 506*a*
..... lying off the coasts, jurisdiction over - - - - 521
....., jurisdiction in case of offences on board - - - - 521*a*
.... by British subjects - - - - 521*b*
....., sums ordered by courts to be paid, leviable by distress on - 523
....., jurisdiction of Admiralty Court as to claims for damage done by - 526*a*
..... (foreign), power to arrest, that has done damage - - 527
.... in coasting trade to be subject to same rules and rates as British ships - - - - - - 547*g*, 547*h*
..... in port, stealing from, felony - - - - 548*c*

SHIPOWNER, definition of - - - - - - 2
....., penalty on, not marking ship as directed - - - - 34*a*
....., application for registry of ship by - - - - 35
....., rules as to entries in register book - - - - 37
....., declaration of individual ownership by - - - - 38
.... by body corporate - - - - - 39
....., evidence to be produced by, on registry - - - - 40
....., name and description of registered, to be entered in register book - 42
....., registered, to have power to dispose absolutely of ship or share - 43
....., name and description of registered, to be entered on certificate of registry - - - - - - - 44
....., change of, to be endorsed on certificate of registry - - 45
....., penalty on, using improper certificate of registry - - 52
..... to give notice to registrar on ship being lost or ceasing to be British 53
....., provisional certificate may be granted to ship in foreign port becoming vested in British - - - - - - - 54
....., transfer of ship by bill of sale to qualified - - - 55
....., declaration required from transferee as to his qualifications to be registered - - - - - - 56
....., registrar to enter in register book name of transferree as - - 57
....., transmission of ship by death, bankruptcy, &c. of - - 58
....., proof of such transmission - - - - - 59
....., registration of name of person entitled by transmission to be - 60
..... (unqualified), by transmission, may apply to court for sale of ship - 62
....., right to transfer ship to be vested in nominees to act as - - 63
....., mortgages by - - - - - 66 to 84
....., mortgagee not to be deemed - - - - - 70
....., powers of mortgage and sale may be conferred by certificate on - 76
....., registry anew may be granted on change of - - - 88
..... may apply for transfer of registry from port to port - - 89
....., transfer of registry not to affect rights of - - - 92

Section.
SHIPOWNER, provision for registry in case of infancy or other incapacity of 99
....., liability of 100
....., penalty on, for assuming unduly British character, concealing British or assuming foreign character, for acquiring ownership if unqualified, and false declaration of ownership 103, 103*a*
....., penalty for carrying improper colours 105
....., effect of declaration that a ship shall not be recognized as British 106
..... (registered) at port, to elect six members for local marine board 110
...., qualification of, as voters for members of local marine board 111
...., lists of such voters to be made and revised every three years 112, 113
...., special agreements for home-trade ships belonging to same 156
..... of home-trade ships may enter into time agreements 162*a*
....., shipping masters may decide questions between crew and 173
..... bound to produce ship's papers to shipping master 174
....., notice of relief to seamen's families out of poor rates to be given to 193
..... answerable for wages and effects of deceased seamen, not accounted for by master 196
....., seamen discharged abroad to be sent home at expense of 205
....., repayment of, for wages advanced and not earned by seamen volunteering into Navy 216
..... may apply to Admiralty Court for extra expense in such case in paying substitute 217–219
....., penalty for fraudulent application 220
....., antiscorbutics to be provided by 224*a*
....., expenses of seamen's illness to be paid by, if through their neglect 228*a*
....., medical inspection of seamen at request of 228*c*
....., expenses of seamen's illness, if paid by consul, recoverable from 229
....., penalty on, not providing medical man when more than 100 persons are carried in ship 230
..... to provide proper crew spaces 231*a*
..... may apprehend deserters without warrant 246
..... to send ship's lists and official logs to port of registry on transfer or loss of ship 276, 287
..... to bear expense of unseaworthy ships, if reported unseaworthy 291*d*
..... may appeal from Board of Trade decision in such case 291*e*
..... sending unseaworthy ship to sea, guilty of misdemeanor 291*f*
....., boats and life buoys to be provided for sea-going ships by 292
....., penalty for not providing 293
..... bound to obey rules for preventing collisions at sea 299*c*
....., liability of, for breach of rules 299*e*
....., penalty on, not equipping steamer as directed 301
..... of passenger steamers to have steamers surveyed 309
.... to give information required by surveyors for return to Board of Trade 321
.... to transmit surveyors declarations to Board of Trade 310
...., fees to be paid by, for certificates 314
...., penalty for not placing certificate in conspicuous part of ship 317
...., penalty for sending ship to sea without certificate 318
...., penalty for carrying more passengers than named in certificate 319
.... to report accidents to Board of Trade 326
.... to give notice to Board of Trade of apprehended loss of ship 327*a*
..... may refuse goods suspected of being dangerous 329
....., of emigrant ship, with master, to give bond of 2,000*l.* to Crown before ship goes to sea 329 4*a*
.... non-resident in United Kingdom to give bond of 5,000*l.* 329 4*b*
.... to forfeit ship if cleared without emigration, officer's certificate, and bond to Crown 329*q*
...., power to appeal against surveyor's report that ship is unseaworthy 329*z*
...., penalties for non-compliance with rules 329*bb*, 329*cc*, 329*dd*, 329*ff*, 329*hh*, 329*kk*, 329*oo*, 329*pp*, 329*qq*, 329 3*d*, 329 3*e*
...., fees for medical inspection of passengers 329 3*d*

Section.

SHIPOWNER (emigrant ship), passengers relanded for sickness may recover passage money from - - - - - 329 3*f*
...., passengers may recover passage money and compensation for breach of contract - - - - 329 3*i*
.... to provide passage and subsistence in some other vessel, in case of wreck - - - - - 329 3*m*
.... to be responsible in respect of default - - - 329 4*d*
....., liability of, where pilotage is compulsory - - - - 388
...., for light dues - - - - - 400*a*
..... failing to pay light dues, power of distress on ship - - 401
....., disputes between salvors and, how to be settled in Cinque Ports district - - - - - - 460, &c.
....., consul-general to be deemed agent for, in case of wreck of foreign ship - - - - - - - 498*d*
....., liability of, limited in respect of certain articles - - 503
.... for loss of life not to exceed 15*l*. per ton of registered tonnage - 505*a*
.... for loss or damage to ship not to exceed 8*l*. per ton of registered tonnage - - - - - - 505*a*
.... for separate losses - - - - - 506
...., proof of passengers on board in proceedings against - - 506*a*
...., procedure - - - - - 507, 518
...., proceedings when there are several claims against - - 514
...., money paid for damages, how to be accounted for between part 515
...., Act not to lessen liability of masters or seamen being also - 516
....., sums ordered by court, &c. to be paid by, leviable by distress on ship 523
...?....., Admiralty Court may direct arrest of vessel till bail for claim is given by - - - - - - - - 543*ii*
....., expenses incurred by East India Company for distressed lascars recoverable from - - - - - - - 544*l*
..... may enter and land goods in default of owner of goods doing so - 548*i*
....., lien for freight to be discharged on receipt from - - 548*k*
.... on deposit with warehouse owner of sum equal to that demanded by - - - - - - 548*l*
....., deposit may be paid till expiration of 15 days to, no notice to release being given - - - - - - 548*m*
....., course to be taken, notice being given - - - 548*n*
..... may require sale of goods by auction after 90 days, and payment out of proceeds - - - - - 548*o*, 548*p*, 548*q*

SHIPPING MASTERS may inspect ship's documents and muster crews - 18
...., Board of Trade may inspect books, &c. of - - - 119
...., appointment of - - - - - - 122
...., name changed to superintendents of mercantile marine offices - 122*a*
...., Board of Trade control over salaries of; may require security from, and may investigate conduct and remove - - - 123
...., duties of - - - - - - - 124
...., fees to be paid to, for engagement and discharge of seamen - 125, 126
...., penalty on, taking remuneration other than lawful fees - 127
...., officers of Customs at Custom Houses used as shipping offices to be - - - - - - - - 128
...., superintendents of Sailors' Homes in London may be - 129
...., Board of Trade may dispense with transaction before - - 130
.... to assist in and take fees making apprentices - - - 141
.... to record indentures of apprenticeship - - - 143
...?..... ....., apprentices and their indentures to be brought before, previous to each voyage in foreign-going ship - - - - 145
...., agreements for foreign-going ships to be made before and attested by - - - - - - - 150
...., running agreements to be endorsed by, every time vessel returns to English port - - - - - 152
.... may retain running agreements - - - - 153
...., seamen may be engaged in home-trade ships before - - 155
...., changes in crew of foreign-going ship to be reported to - 158
...., seamen in colonies to be shipped before - - - 159
...., production of certificates by master of foreign-going ship on signing agreements before - - - - - 161

Section.

SHIPPING MASTERS, half-yearly production of agreements and certificates for home-trade ships to - - - - 162, 162*a*
...., discharges for foreign-going ship to be made before - - 170
...., accounts of wages to be delivered to - - - 171
.... may decide questions between master or owner and crew referred to him - - - - - - 173
.... may call for ship's papers and take evidence in such cases - 174
...., release from wages to be signed before - - - 175
...., report of character to be given to, and sent by him to Registrar General of Seamen - - - - - - 176
.... to issue money orders - - - - 177
...., penalty on, issuing money orders with fraudulent intent - 179
.... may be required to superintend branch savings banks established in their shipping office - - - - - 180*c*
.... to receive contributions to Merchant Seamen's Fund - - 180*o*
...., wages and effects of deceased seamen in certain cases to be paid to - - - - - - - - 195, 198
...., medical inspector to give report of seamen to; copy to be given to owner by; fees to be paid to - - - - - 228
...., seamen's fines to be deducted from wages, and paid to - 256
.... to inquire into deaths on board foreign-going ships - - 269
.... may be appointed local registrars of shipping - - 271
...., ships lists of foreign-going ships to be delivered to, who discharges crew - - - - - - - 274
...., ships lists of home-trade ships to be delivered half-yearly to - 275
...., to transmit all documents delivered to the, under Merchant Shipping Act, 1854, to Registrar General of Seamen - - 277
...., official logs to be delivered to, on arrival of ship - - 286
...., official logs of ships transferred or lost to be sent to - 287
.... to have power to call for information respecting Naval Reserve volunteers - - - - - - - - 290*q*
.... to deliver certificates of survey of passenger steamers to owners - 313

SHIPPING OFFICES to be established by local marine boards - - 122
.... to be called mercantile marine offices - - - 122*a*
...., partial control of Board of Trade over - - - 123
...., business of - - - - - - 124
...., fees to be paid at, for engagement and discharge of seamen 125, 126
...., business of, may be conducted at custom-houses - - 128
...., sailors homes in London may be - - - - 129
.... in sailors homes to be under Board of Trade control - - 129
...., Board of Trade may dispense with the transaction in, of matters required by the Merchant Shipping Act, 1854 - - 130
.... For other entries, *see* Shipping Masters.

SHIP'S PAPERS to be produced to shipping master, if required in any proceedings - - - - - - - 174
..... to be delivered on change of master to successor - - - 259

SHIPWRIGHT SURVEYOR. *See* Surveyor.

SIGNALS of distress to be provided in steamships - - - - 301
...., what are to be deemed - - - - 498*a*
...., liability of master using, when vessel not in distress - 498*a*
...., power to alter rules as to, by Order in Council - - 498*b*
..... (private) - - - - - - - - 498*c*
..... (night) in emigrant ships - - - - - - - 329*ii*
..... (pilot) - - - - - - - - 348*a*
.... may be allowed by Order in Council - - - - 348*b*
..... (fog), rules for preventing collisions at sea - - - 299*a*

SMUGGLING causing loss to owner, punishment for - - - - 243

SPACE for hospitals in emigrant ships - - - - - 329*ff*
..... for crews. *See* Crew Spaces.

SPIRITS prohibited to be sold in emigrant ships - - 329 3*z*

Section.

STAMP DUTY, certain forms and documents exempt from - - - 9
....., indentures of apprenticeship exempt from - - - 143
....., awards by shipping master in questions between master and crew exempt from - - - - - - - - 173
....., pilot bonds free from - - - - - - 372
....., documents under Parts III. and VI. of Merchant Shipping Act, 1854, exempt from - - - - - - - 430
....., certificates under Seamen's Fund Winding-up Act exempt from - 180vv
....., bonds, &c. under Part VIII. of Merchant Shipping Act, 1854, exempt from - - - - - - - - - 495

STATUTE ADULT (emigrant), definition of - - - - - 2

STEALING from ship in distress, felony - - - - 428a
.... in harbour, and from docks, wharves, &c., felony - - 548t

STEAMERS, Board of Trade may appoint inspectors of hull and machinery of 14
....., allowance for engine-room in measuring tonnage of - - - 23
..... already measured, power to measure by old rules engine-room improperly extended - - - - - - - 28
..... to carry certificated engineers - - - - - - 140a
....., Part IV. of Merchant Shipping Act, 1854, applied to foreign - 291
....., rules as to lights, fog-signals, and steering for - - - 299a
..... equipment of - - - - - - - - 301
..... (passenger), definition of - - - - - - - 303
.... to be surveyed once a year - - - - 304a
...., Board of Trade to appoint surveyors for - - - 305
...., fees for surveys of - - - - - - 305a
...., duties of surveyors of - - - - - - 305b
...., surveyors to have power to inspect - - - 306
...., Board of Trade to regulate mode of surveys of - - - 307
...., penalty on surveyors of, receiving fees unlawfully - - 308
...., owners of, to have surveys by shipwright and engineer surveyors 309
...., surveyors to give declarations for - - - - 309
...., declaration of engineer surveyor to contain statement concerning engineers certificate - - - - - - - 309a
...., declaration to be transmitted to Board of Trade - - 310
...., time of surveys of, and transmission of declarations - 311, 311a
...., Board of Trade to issue certificates for - - - 312
...., Board of Trade to transmit duplicate certificate to shipping master for owners of - - - - - - - 313
... ., fees for certificates for - - - - - 314
...., period certificates are to be in force - - - 315
...., Board of Trade may cancel certificates, and require fresh declarations - - - - - - - - 316
...., copy of certificate to be placed in conspicuous part of - 317
.... may not proceed to sea without certificate - - - 318
...., penalty for carrying more passengers than specified in certificate 319
...., forgery of declaration or certificate for, misdemeanor - - 320
...., surveyors to make returns of build, &c. of - - - 321
...., owners to give information for return - - - - 321
...., penalties for misconduct of passengers on - - - 323a
...., penalty for passenger injuring - - - - - 323b
...., power to refuse or remove passengers drunk or misconducting themselves - - - - - - 325
...., accidents to, to be reported to Board of Trade - - 326
...., notice to be given of apprehended loss of - - - 327

STEERING RULES. *See* Sailing Rules.

STEWARDS for emigrant ships - - - - - - 329xx

STIPENDIARY MAGISTRATES, formal investigation into wreck and casualty before - - - - - - 433
....., preference given to member of local marine board being, to conduct investigation; remuneration from Mercantile Marine Fund - 435
..... to have same power as two justices - - - 519

Section.

STORES, stowage of, in emigrant ships - - - - - 329*kk*
..... (naval and military), carriage of, in emigrant ships - - 329*mm*
..... to be replenished in emigrant ships - - - - - 329 3*k*

STOWAWAYS, penalty on - - - - - - 329*z*

SUB-COMMISSIONERS, power to Trinity House (London) to appoint - 369
....., power to Trinity Houses of Hull and Newcastle to appoint - 387

SUMMARY jurisdiction for offences of Naval Reserve volunteers - - 290*y*
.... in small salvage cases - - - - 461*a*
..... manner, wages may be sued in a - - - - - 188
...., allotment notes may be sued for in a - - - 169
..... proceedings, limitation of time in - - - - - 525
.... (Scotland) - - - - - - 531

SUPERANNUATION FUND FOR PILOTS, power to pilotage authorities to establish - - - - - - - - - - 333

SUPERANNUATION ALLOWANCES, power to grant, for general lighthouse authorities, out of Mercantile Marine Fund - - 421

SUPERINTENDENT OF MERCANTILE MARINE OFFICES, shipping master to be called - - - - - - - - 122*a*

SUPERIOR COURTS, powers of, extended to Admiralty Court - - 543*d*
....., restriction on proceedings in - - - - 520*c*, 543*x*
..... may exercise same jurisdiction as Chancery Court under Part IX. of Merchant Shipping Act, 1854 - - - - - 514*a*

SUPREME COURT of New South Wales and Van Diemen's Land, power of, preserved - - - - - - 543*aaa*
..... of an Indian Presidency, provision for persons entitled to be tried by 543*bbb*

SURVEYS of British ships for registry - - - - 36
..... of crew spaces - - - - - - 231*a*
.... in colonies - - - - - - 231*b*
..... of ships alleged by seamen to be unseaworthy - - - 243*a*
...., cost of, to be paid out of Mercantile Marine Fund - - 243*a*
...., power of naval courts to direct - - - - 243*b*
.... suspected of unseaworthiness - - - - - 291*c*
...., costs to be paid by owner if ship reported unseaworthy - 291*d*
...., Board of Trade to pay compensation if ship reported seaworthy - - - - - - - - 291*d*
...., expenses recoverable from complainant, if complaint without reasonable cause - - - - - - - 291*d*
...., appeal from decision of Board of Trade - - - 291*e*
..... of emigrant ships - - - - - - - 329*aa*
.... in colonies - - - - - - - 329 5*l*
..... of passenger steamers. *See* Passenger Steamers.
..... of provisions and water on complaint of crew - - - - 221

SURVEYORS, British ships to be surveyed by Board of Trade, before certificate of registry granted - - - - - - - 36
..... of crew spaces - - - - - - - 231*a*
.... in colonies - - - - - - - 231*b*
..... of emigrant ships - - - - - - - 329*aa*
..... of passenger steamers (shipwright and engineer), Board of Trade to appoint - - - - - - - - - 305
...., duties of - - - - - - 305*b*
...., power of, to inspect - - - - - 306
...., penalty on, receiving fees unlawfully - - - 308
...., surveys to be made and declarations granted by - 309
.... to make returns of build, &c. of steamers - - 321
..... (engineer) declaration of, to contain statement concerning engineer's certificate - - - - - - - 309*a*

SUSPENSION OF CERTIFICATES (masters and mates) on conviction of any offence to rest with Board of Trade - - - - - 242

Section.
SUSPENSION OF CERTIFICATES (masters, mates, and engineers) to rest with court which hears case - - - - - 242a
....., Board of Trade may shorten period of - - - - 242a
....., certificates to be delivered to Board of Trade on - - 242b

T.

TAXES. *See* Rates and Taxes.
TENDER OF AMENDS (Passengers Act) - - - - - 329 5f
TESTING machine for chain cables and anchors. *See* Chain Cables and Anchors.
..... establishments for chain cables and anchors. *See* Chain Cables and Anchors.
TESTS for chain cables and anchors. *See* Chain Cables and Anchors.
TICKETS. *See* Contract Tickets.
TIME agreements for home-trade ships - - - - 162a
TITLE to unclaimed wreck, disputes as to, how settled - - - - 472
.... delivery of wreck by receiver, not to prejudice - - 472a
TRADE AND NAVIGATION ACTS, laws in British possessions in America repugnant to, null and void - - - - - 547a
TONNAGE DECK, definition of - - - - - - - 2
TONNAGE MEASUREMENT to be in feet and inches - - - 20
..... Rule I. Ascertaining cubical contents of ship - - - 21
... . Rule II. By girth of ship outside - - - 21
..... ship measured under Rule II. may be measured under Rule I. - 22a
..... Rule III. Steamers, allowance for engine room - - - 23
..... Rule IV. Open ships - - - - - 24
..... tonnage once ascertained and registered to be ever after deemed tonnage of ship - - - - - - - - 26
..... ships previously measured and registered, re-measurement by above rules allowed, but not compulsory - - - - 27
..... crew spaces to be deducted from registered tonnage - - 231a
..... ships of foreign countries adopting rules for, need not be re-measured in this country - - - - - - 29b
....., liability of shipowner for loss of life not to exceed 15*l.* per ton, for loss of ship 8*l.* per ton of registered - - - - 505a
TONNAGE RATES under Local Acts may be based on registered tonnage - 29a
TOWAGE, when claim for, not over 150*l.*, county court with Admiralty jurisdiction to have jurisdiction, and over that amount by agreement - 477a
TRANSFER of mortgages - - - - - 73
..... of registry from port to port allowed - - - - - 89
...., manner of - - - - 90
...., delivery of certificate upon - - - - - 90a
.... not to affect rights of owners - - - 91
..... of ship or share - - - - - - - 55
...., registration of - - - - 57
...., courts may prohibit, on application of interested party - 65
...., ships lists to be sent to port of registry on - - 276
TRANSFEREE of ship or share, declaration to be made by - - 56
TRANSIRE. *See* Clearance.
TRANSMISSION of ship or share, by death, bankruptcy, or marriage - 58
...., proof required of - - - - - 59
...., to be registered - - - - - - 60
...., registrar to retain certain evidence in cases of - - 61
...., unqualified owner by, may apply to court for sale of ship - 62
...., order for sale to be made by court, and court to vest right of transfer in nominee - - - - - - 63

Section.

TRANSMISSION of ship or share, limit of time for application for sale - 64
..... of mortgage - - - - - - - - - 74
.... to be registered - - - - - - 75

TREASURY, definition of - - - - - - - - 2
..... may advance money to Mercantile Marine Fund for lighthouse purposes - - - - - - 424

TRIAL, naval courts may send home offenders for - - - - - 263

TRINITY HOUSE, definition of - - - - - - 2
....., jurisdiction of pilotage authorities failing to make returns to Board of Trade to be transferred to - - - - - - 338
..... may modify by Order in Council rule as to pilots not taking less than rate in force - - - - - - 358a
....., power to alter pilotage regulations - - - - - - 368
....., power to appoint sub-commissioners - - - - - 369
..... to license pilots for certain limits - - - - - 370
..... to publish names and districts of licensed pilots - - - 371
....., bond to be given by pilots to - - - - - - 372
....., limitation of liability of pilots licensed by - - - - 373
..... licences, continuance and renewal of - - - - - 374
..... may revoke or suspend licenses - - - - - 375
..... districts, penalty on masters employing unlicensed pilots within - 376
...., exemption from compulsory pilotage within - - 379
..... to make regulations for continued supply of licensed pilots at Dungeness - - - - - - - - - - 377
..... pilotage rates - - - - - - 333, 380
.... for foreign ships trading with port of London - 381
...., certificate of payments of, to be given - - - - 382
...., application of - - - - - - 383
....., settlement of difference between master and pilot as to ship's draught of water by - - - - - - - 384
..... Pilot Fund, payments to - - - - - - 385
...., application of - - - - - - 386
...., Trinity House may enable existing Cinque Port pilots to purchase interest in - - - - - - 386g
...., charges on, and management of - - - - - 386h
...., alteration of payments to, by Cinque Port pilots - - 386j
...., arrangements for Bristol Channel pilots with respect to - - 386k
....., Cinque Port pilots licensed before 1853 competent to pilot within their licensed limits without licences from - - - - 386a
....., ... Cinque Port pilots to be subject to same rules as those of - 386b
..... Cinque Port pilots licensed before 1853 may pilot ships inwards within the limits of their licences - - - - - - - 386c
..... may alter rates for duties hitherto performed by Cinque Port pilots - 386d
....., Cinque Port pilots to have same remedies for recovery of rates as those of - - - - - - - - 386e
....., property of Cinque Port pilots to be transferred to - - - 386f
....., payments to Cinque Port Pilot Fund to be paid to - - - 386f
..... to pay debts of Cinque Port pilots, and grant superannuation allowances - - - - - - - - 386g
....., settlement of claims of Cinque Port pilots by - - - 386i
..... to manage English lighthouses, buoys, and beacons - 389
..... may inspect Scotch and Irish lighthouses, &c. - - - 322
..... to approve new lighthouses for Scotch and Irish lighthouse authorities, with Board of Trade sanction - - - - - 404, 405
....., how Board of Trade sanction obtained by - - - 406
..... to inform lighthouse authority of Board of Trade decision - - 407
..... to compel execution of work with Board of Trade sanction - 408
..... Board of Trade sanction, now obtained by - - 409
..... fees paid to, for testing chain cables and anchors to go to Mercantile Marine Fund - - - - - - - 417a
....., expenses connected with Chain Cables and Anchors Act to be paid out of Mercantile Marine Fund - - - - - 417a
..... party in Admiralty Court may apply for an order of inspection by - 543e

Section.

TRINITY HOUSES of Hull and Newcastle, power to appoint sub-commissioners - - - - - - 387

TROPICS, full issue of lime juice in emigrant ships imperative only in - 329*tt*

TRUSTEE ACT, 1850, shares in ships within - - - 65*b*

TRUSTS (Harbour), saving of powers of, under Local Acts - - 548*b*
....., no notice of, to be entered in registry book - - - 43

U.

UMPIRE, judges may appoint an, in salvage disputes - - - 461

UNCLAIMED WRECK. *See* Wreck.

UNQUALIFIED owner of ship by transmission may apply to Court for sale of ship - - - - - - - 62
..... penalty for acquiring ownership of ship, if - - - 103

UNSEAWORTHY SHIP, survey of alleged - - - 243*a*
....., chain cables and anchors of alleged, to be tested - - 291*g*, 294*aa*
..... going to sea, a misdemeanor - - - - - 291*f*

UNSEAWORTHINESS, survey of ship suspected of - - - 291*c*
....., cost of survey to be paid by owner if ship reported unseaworthy - 291*d*
....., Board of Trade to pay compensation for detention of ship for, if reported seaworthy - - - - - 291*d*
....., Board of Trade to recover from complainant, if complaint without reasonable grounds - - - - - - 291*d*
....., appeal from decision of Board of Trade in case of survey for - 291*e*

V.

VAN DIEMEN'S LAND, powers of Supreme Court preserved - 543*aua*

VENTILATION in passenger (emigrant) ships - - - - 329*hh*

VOLUNTEERS FOR NAVY, application of Part III. of Merchant Shipping Act, 1854, as relates to - - - - - 109
....., seamen may leave their ships to become - - - 214
..... clothes to be delivered at once, and wages given to Queen's officer for seamen - - - - - - 215
....., Admiralty may pay owner wages advanced, and not earned by seamen 216
....., owner to apply to Admiralty Court for excess of expense in paying substitute for - - - - - 217
....., application how decided, and amount ascertained and paid - 218, 219
....., penalty for forgery in support of application - - - 220
....., wages of, to be entered in official log - - - - 282

VOLUNTEERS. *See* Naval Reserve Volunteers.

VOYAGES, nature and duration of, to be entered in agreements with seamen - - - - - - 140
....., foreign-going ships making short, may have running agreements - 151
..... of emigrant ships - - - - - - 329*g*
...., computation of, for passenger (emigrant) ships - 329*nn*
..... under Passengers Act, 1855, defined - - - - 329 5*i*
..... (colonial), Passengers Act, 1855, to apply to all - - 329 5*j*
...., Governor of colony may declare length of - - 329 5*k*
..... to the United Kingdom, list of passengers carried to be given to emigration officer on arrival - - - - 329 5*n*
...., number of passengers limited as in case of voyages from the United Kingdom - - - - - - 329 5*o*
...., provisions and water same as in case of voyages from the United Kingdom - - - - - - 329 5*p*

W.

Section.

WAGES, part of fees for engagement and discharge to be deducted from seamen's - - - - - - - - - 126
....., seamen discharged before commencement of voyage may recover compensation as if it were - - - - - - 167
....., rules as to allotment notes - - - - - 168
....., allotment notes may be sued for summarily - - - 169
..... on discharge of seamen, master to deliver account of - - - 171
....., rules as to settlement of - - - - - 175
....., release for - - - - - - - 175
....., facilities for remitting: money orders - - - - - 177
..... and provisions, when seamen's right to, begins - - - 181
....., right to, seamen not to give up - - - - - 182
....., ..., not to depend on earning freight - - - - 183
....., ..., proof that seaman has not exerted himself to save ship, &c. in case of wreck or loss to bar - - - - - - - 183
....., ... in case of termination of service by wreck or illness - - 185
..... not to accrue during refusal to work or imprisonment - - - 186
....., period within which, are to be paid - - - - 187
....., seamen may sue for, in summary manner - - - 188
....., restriction on suits for, in superior courts - - - - 189
....., claims for, within jurisdiction of Admiralty Court - - 189*a*
...., seamen not to sue for, abroad, unless discharged, or leaving from ill-usage endangering life or limb - - - - - - 190
....., master to have same remedies for, as seamen - - - 191
....., relief to seamen's families out of poor rates chargeable on - - 192
..... to seamen discharged abroad for inability, to be paid on discharge - 209
.... to be subject to payment of expenses of subsistence and passage home - - - - - - - 210
..... to be paid to Queen's officer for seamen volunteering into Navy - 215
..... advanced and not earned by seamen volunteering into Navy to be paid back to owner by Admiralty - - - - - - 216
....., forfeiture of, when seamen ill through own default - - - 228*b*
....., sale or charge on, invalid - - - - - - 233
..... of complaining seaman, costs of survey of ship alleged to be unseaworthy to be deducted from, if ship pronounced seaworthy - - 243*a*
....., expenses incurred by reason of desertion may be deducted from seaman's - - - - - - - - - 247
....., facilities for proving desertion so far as concerns forfeiture of - 250
....., costs of procuring imprisonments up to 3*l.* to be deducted from - 251
....., amount of forfeiture of, how ascertained when seamen contract for the voyage - - - - - - - 252
....., application of forfeitures from - - - - - - 253
....., questions of forfeitures may be decided in suits for - - - 254
....., penalty for false statements as to name of last ship may be deducted from - - - - - - - - - 255
....., fines to be deducted from - - - - - - 256
....., naval court may order forfeiture of - - - - - 263
....., naval court may decide disputes as to - - - - - 263
....., naval court may direct cost of imprisonment to be paid out of - 263
..... of seamen entering Navy to be entered in official log - - 282
....., not exceeding 50*l.*, county court with Admiralty jurisdiction to settle claims for, above that sum by agreement - - - 477*a*
.... of seamen lost with ship, how to be dealt with - - - 194*a*
..... of deceased seamen, as to payment of - - - - 184
.... to be entered in official log - - - - 282
..... and effects of deceased seamen, master to take charge of, sell effects, and enter in official log - - - - - - 194
.... to be paid to consul or shipping master with full accounts 195
...., penalty for master not accounting for - - - 196
...., owner answerable in such case for - - - 196
...., recoverable in same way as wages - - - 196

Section.

WAGES and effects of deceased seamen, dying abroad, to be taken charge of by customs or consular officer, and sent to Board of Trade - - 197
.... dying at home, to be sent to shipping master at port of discharge or Board of Trade - - - - - 198
.... of less than 50*l.* value may be paid to those entitled, without probate or administration - - - - - - 199
...., mode of payment of, under wills - - - 200
...., provision for payment of just claims out of, and preventing fraudulent claims - - - - - 201
...., mode of dealing with, if unclaimed - - - 202
...., punishment for forgery or false representation to obtain - 203

WAREHOUSE OWNER, definition of - - - - - - 2
..... *See* Wharf and Warehouse Owner.

WARRANT, justice may grant, for seizure of concealed wreck - - 451
....., Board of Trade to issue, for summoning jury - - 507, 508
..... to apprehend in default of appearance (Scotland) - - - 540

WARRANTY implied by contract of sale of chain cables and anchors -, 294*y*

WATER, draught of, to be marked on stem and stern post of British ship - 34*a*
....., ..., to be recorded on going to sea in official log - - - 291*h*
....., ..., particulars to be entered - - - - - 291*i*
....., ..., penalty on pilot making false declaration as to, or falsifying marks - - - - - - - - - 359
....., ..., settlement of difference between master and pilot (Trinity House) as to - - - - - - - - - 384
....., survey of, on complaint of crew - - - - - 221
....., for emigrant ships, to be surveyed by emigration officer - - 329*oo*
....., casks and tanks to be approved by emigration officer - - 329*qq*
....., emigrant ships to touch at intermediate ports for - - - 329*rr*
....., same regulations as to, for emigrant ships coming to the United Kingdom - - - - - - - - - 329 5*p*

WEIGHTS AND MEASURES to be kept on board for weighing provisions - - - - - - - - - 225

WEST INDIES, definition of - - - - - - - 2

WHARF, definition of - - - - - - - - 2
....., stealing from, felony - - - - - - - 548*t*

WHARF OWNER, definition of - - - - - - - 2

WHARF OR WAREHOUSE OWNER, lien for freight to be discharged on proof of payment - - - - - - - 548*k*
...., lien to be discharged on deposit with - - - 541*l*
.... may at expiration of 15 days, if notice to retain not given, pay deposit to shipowner - - - - - - - 548*m*
...., course to be taken, if notice is given - - - - 548*n*
...., may sell goods by auction after 90 days - - - - 548*o*
...., notice of sale to be given - - - - - 548*p*
....., ..., application of monies from sale - - - - 548*q*
...., rent and expenses of - - - - - - - 548*r*
...., protection of - - - - - - - - 548*s*
...., Merchant Shipping Act Amendment Act, 1862, not to affect right, &c. of, under Local Act - - - - - - 548*v*

WIDOWS OF SEAMEN, relief to, from Merchant Seamen's Fund forfeited by three years failure to contribute - - - - - - 180*ll*
....., ..., Board of Trade may give gratuities instead of pensions to - 180*pp*

WILLS, mode of payment of wages and effects of deceased seamen under - 200
.....s, proof of transmission of ships or shares by - - - - 59

WITNESSES summoned by Board of Trade inspectors to be allowed expenses - - - - - - - - - - 15
....., disputes as to expenses to be referred to Chancery Court or Admiralty Court - - 15, 15*a*

Section.

WITNESSES, penalty for refusing to give evidence - - - - 15
....., in case of offences on high seas, conveyance of, to United Kingdom or colony - - - - - - - - 267
....., deposition to be received in evidence, when witness cannot be produced - - - - - - - - 270
....., passengers (emigrants) not incompetent - - - - 329 5e
....., (attesting) need not be called to prove document - - - 526
..... in Scotland, mode of requiring appearance of - - - - 533
...., power of compelling attendance of - - - - 535

WRECK AND CASUALTY, inquiry into - - - - - 432
....., formal investigation before justices or stipendiary magistrate - 433
....., Board of Trade may approve nautical and engineer assessors - 434
....., preference to be given to stipendary magistrate who is member of local marine board : Board of Trade to remunerate - - - 435
....., costs of investigation - - - - - - - 436
....., in Scotland - - - - - - - - 437
....., masters and mates may be required to give up their certificates during investigation - - - - - - 438

WRECK, right to wages in case of - - - - 185
....., naval court may inquire into - - - - - 260
....., Board of Trade to superintend matters relating to - - 439
....., ... to appoint receivers of - - - - - 439
....., power of receiver general of droits of Admiralty transferred to Board of Trade - - - - - - - - 439a
....., receivers appointed by receiver general, and Cinque Ports receivers, to hold office at will of Board of Trade - - - - 439b
....., Admiralty not to interfere with - - - - - 440
....., expenses connected with saving life and property from, to be paid out of Mercantile Marine Fund - - - - - - 417
....., rewards for preserving life from, to be paid out of Mercantile Marine Fund - - - - - - - - - - - 417
....., receiver of, definition of - - - - - 2
....., ..., Board of Trade to appoint - - - 439
....., ..., duties of, when ship in distress - - - - 441
....., ..., power of - - - - - - 442
....., ..., all articles washed ashore or taken from ship to be delivered to 443
....., ..., powers of, to suppress plunder and disorder by force - - 444
....., ..., who are to exercise power of, in their absence - - - 445
....., ..., powers of, to institute examination with respect to ship in distress 448
....., ..., to send report to Board of Trade and Lloyd's - - - 448
....., ..., original or certified copy of examination by, to be received in evidence - - - - - - - - - 449
....., ..., rules to be observed by persons finding - - - 450
....., ..., power to seize concealed - - - - 451
....., ..., to give notice of - - - - - 452
....., ..., may sell perishable goods, or goods of small value - - 453
....., ..., to give notice to lord of manor or person entitled to - - 454
....., ..., fees and payments to - - - - - - 455
....., ..., disputes as to sums payable to, to be settled by Board of Trade 456
....., ..., application of fees paid to - - - - - 457
....., ..., may appoint a valuer in salvage cases - - - 460a
....., ..., payment may be made to, in case of dispute as to apportionment of salvage - - - - - - - 466
....., ..., may make apportionment in such cases - - - - 467
....., ... manner of enforcing payment of salvage by - - - 468
.... may release ship, &c on security being given - - - 468
....., ..., powers of, to sell salved property in case of nonpayment of salvage expenses - - - - - - - 469
....., ..., to deliver up wreck to owner after expiration of one year, subject to salvage expenses - - - - - - 470
....., ..., to deliver up unclaimed wreck to lord of manor or party entitled at expiration of one year - - - - 471
....., receiver of, delivery of unclaimed wreck by, not to prejudice title - 472a
.... to sell unclaimed wreck - - - - - 475

Section.

WRECK, receiver of, (appointed by receiver general of droits of Admiralty) payments of - - - - - - - 455a
....., ..., ..., to keep fees - - - - 455b
....., ..., salvage to be paid for saving - - - - 458
....., ..., settlement of disputes as to salvage of - - - 460
....., power to pass over lands with carriages in case of - - 446
...., penalty for owners refusing to allow carriages over their land in case of - - - - - - - - 447
....., rules to be observed by persons finding - - - 450
....., remuneration of coast guard for service at a - - - - 455c
..... to be delivered up to owner, subject to salvage expenses, at expiration of one year - - - - - - - 470
....., goods saved from, to be forwarded to port of original destination - 500
....., foreign goods saved from, subject to importation duties - - 499
....., proof that seaman has not exerted himself to save ship in case of, to bar right to wages - - - - - - 183
....., seaman's right to wages in case of termination of service by - - 185
..... on high seas, naval court may be summoned to investigate - - 260
....., rights of emigrants in cases of - - - - - 329 3m
..... of foreign ship, consul-general of country to be deemed owner's agent 498d
..... unclaimed to be delivered to lord of manor or party entitled at expiration of one year - - - - - - - 471
....., ..., disputes as to title to, may be decided by two justices - 472
....., ..., appeal from decision of justices - - - - 473
....., ..., delivery by receiver not to prejudice title to - - 472a
....., ..., Board of Trade on behalf of Crown may purchase rights to - 474
....., ..., where no one has a title, to be sold, and produce carried to Consolidated Fund - - - - - - 475
....., ..., Crown rights to - - - - - - - 475a
....., (offences), plunder by tumultuous assemblage; hundred to be liable for the damage - - - - - - 477
....., ..., penalty for plundering, obstructing saving of ship, secreting - 478
....., ..., stealing from - - - - - 478a
....., ..., penalty for possession of, without a satisfactory reason - - 478b
....., ..., offering for sale - - - - - - 478c
....., ..., selling, in foreign ports - - - - 479

Y

YACHTS, Part III. of Merchant Shipping Act, 1854, extended to - - 109a